From 2007 LRB-2891/2

-2993/1

2007 – 2008 LEGISLATURE

LRB-2891/2

GMM:cjs:owh

Stays

IN 8/30

Wanted Fri. 9/4

2007 ASSEMBLY BILL 856

P.W.F.

SA 09 ✓
SA 07 ✓
stat comp ✓
RNs ✓
x-refs ✓
CRs ✓

~~February 21, 2008 – Introduced~~ by Representatives SEIDEL, JESKEWITZ and GRIGSBY.
Referred to Committee ~~on Children and Family Law~~.

Regenerate

AN ACT ***to repeal*** 48.21 (5) (d) 2., 48.21 (5) (d) 3., 48.32 (1) (c), 48.355 (2d) (c) 2., 48.355 (2d) (c) 3., 48.357 (2v) (c) 2., 48.357 (2v) (c) 3., 48.365 (2m) (ad) 2., 938.21 (5) (d) 2., 938.21 (5) (d) 3., 938.32 (1) (d), 938.355 (2d) (c) 2., 938.355 (2d) (c) 3., 938.357 (2v) (c) 2., 938.357 (2v) (c) 3. and 938.365 (2m) (ad) 2.; ***to renumber and amend*** 48.21 (5) (d) 1., 48.355 (2d) (c) 1., 48.357 (2v) (c) 1., 48.365 (2m) (ad) 1., 48.38 (5m) (c), 48.43 (5) (b), 938.21 (5) (d) 1., 938.355 (2d) (c) 1., 938.357 (2v) (c) 1., 938.365 (2m) (ad) 1. and 938.38 (5m) (c); ***to amend*** 46.238, 48.21 (5) (b) 1. d., 48.27 (3) (a) 1., 48.27 (3) (a) 1m., 48.27 (3) (a) 2., 48.27 (6), 48.299 (1) (ag), 48.32 (1) (b) 1. d., 48.355 (2) (b) 6g., 48.355 (2b), 48.357 (1) (am) 1., 48.357 (1) (am) 2., 48.357 (2m) (b), 48.357 (2r), 48.357 (2v) (a) 1m., 48.363 (1) (b), 48.363 (1m), 48.365 (2), 48.365 (2m) (ag), 48.38 (2) (intro.), 48.38 (3), 48.38 (4) (f) (intro.), 48.38 (4) (fm), 48.38 (4) (h) (intro.), 48.38 (5) (b), 48.38 (5) (c) 7., 48.38 (5) (d), 48.38 (5) (e), 48.38 (5m) (b), 48.38 (5m) (d), 48.38 (5m) (e), 48.42 (2g) (am), 48.427 (1m), 48.43 (5m), 48.63 (5) (d) 4., 146.0255 (2), 146.0255 (3) (b), 767.41

(3) (c), 938.21 (5) (b) 1. d., 938.27 (3) (a) 1., 938.27 (3) (a) 1m., 938.27 (3) (a) 2., 938.27 (6), 938.299 (1) (ag), 938.32 (1) (c) 1. d., 938.355 (2) (b) 6g., 938.355 (2b), 938.355 (6) (d) 1., 938.355 (6m) (a) 1g., 938.357 (1) (am) 1., 938.357 (1) (am) 2., 938.357 (2m) (b), 938.357 (2r), 938.357 (2v) (a) 1m., 938.363 (1) (b), 938.363 (1m), 938.365 (2), 938.365 (2m) (ag), 938.38 (2) (intro.), 938.38 (3) (intro.), 938.38 (4) (f) (intro.), 938.38 (4) (fm), 938.38 (4) (h) (intro.), 938.38 (5) (b), 938.38 (5) (c) 7., 938.38 (5) (d), 938.38 (5) (e), 938.38 (5m) (b), 938.38 (5m) (d) and 938.38 (5m) (e); and ***to create*** 48.02 (14j), 48.357 (1) (am) 2m., 48.38 (4) (i), 48.38 (4m), 48.38 (5) (bm), 48.38 (5m) (c) 2., 48.43 (5) (b) 2., 48.43 (5) (b) 3., 48.999, 757.69 (1) (g) 14., 938.02 (14j), 938.357 (1) (am) 2m., 938.38 (4) (i), 938.38 (4m), 938.38 (5) (bm), 938.38 (5m) (c) 2. and 938.9995 of the statutes; **relating to:** requiring consultation with a child in determining and reviewing his or her permanency plan; requiring agencies, in making reasonable efforts to place a child ~~for adoption, with a guardian, with a relative, or~~ in ~~some other alternative~~ permanent placement, to include efforts to place the child outside this state; requiring juvenile courts to take certain actions to expedite the interstate placement of children; requiring juvenile courts to give a child's out–of–home care provider the right to be heard in proceedings involving the child; requiring health care providers to report cases of infants with controlled substances in their bodily fluids to the agency responsible for investigating suspected child abuse or neglect; authorizing circuit court commissioners to conduct permanency plan reviews and hearings; ~~providing that a juvenile court order is required to change the placement of a child, regardless of whether a hearing is held on the change in placement; requiring a juvenile court order placing a child in the care and placement responsibility of an agency whenever a child is~~

✓ requiring notice to relatives when a child is removed from the home;
✓ requiring reasonable efforts to place siblings together or to provide for visitation between siblings; requiring agencies to assist children in developing a plan
✓ for transition to independent living;

permits disclosure of information to a relative of a child for purposes of facilitating placement of the child with the relative or to a public or private agency in this state or any other state for purposes of investigating a proposed foster or adoptive placement

permitting a juvenile court to retroactively correct an order removing a child from the home, excluding certain periods when calculating how long a child has been placed outside the home for purposes of filing a termination of parental rights petition

and the Fostering Connections to Success and Increasing Adoptions Act of 2008

Analysis by the Legislative Reference Bureau

Introduction

Under current federal law, to be eligible for foster care and adoption assistance under Title IV–E of the Social Security Act (Title IV–E), a state must have a state plan that meets certain conditions specified in Title IV–E. Recently, Congress amended Title IV–E by enactment of the Safe and Timely Interstate Placement of Foster Children Act of 2006 and the Child and Family Services Improvement Act of 2006. This bill amends certain provisions of the Children's Code and the Juvenile Justice Code relating to permanency planning for children placed in out–of–home care to conform those provisions to the requirements of Title IV–E, as affected by those acts.

Also, under current federal law, to be eligible for a grant under the Child Abuse Prevention and Treatment Act (CAPTA) a state must have in effect a state plan that meets certain conditions specified in CAPTA, including a requirement that a health care provider report to the child protective services system infants who are affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure. This bill conforms current state law relating to the reporting of infants whose bodily fluids contain a controlled substance to that requirement of CAPTA.

Finally, the bill authorizes a circuit court commissioner assigned to assist in juvenile matters to review a child's permanency plan, which is a plan designed to ensure that the child is reunified with his or her family whenever appropriate or that the child quickly attains a placement or home providing long–term stability, and provides that the placement of a child who is placed outside the home may not be changed without an order of the court assigned to exercise jurisdiction under the Children's Code and the Juvenile Justice Code (juvenile court), regardless of whether a hearing is held on the change in placement.

Permanency planning for children in out–of–home care

Current law. Under current law, for each child living in an out–of–home placement, the county department of human services or social services (county department), the licensed child welfare agency, the Department of Health and Family Services (DHFS), or Milwaukee County, or the Department of Corrections in the case of a child who has been adjudged delinquent (collectively "agency") that placed the child or arranged the placement of the child or the agency assigned primary responsibility for providing services to the child must prepare a permanency plan for the child. A permanency plan must describe, among other things, the goal or goals of the permanency plan, with those goals being either the safe return of the child to the home or placement of the child for adoption, with a guardian, in the home of a relative, or in some other alternative permanent placement.

or, in Milwaukee County,

(collectively "agency")

Children and Families (DCF)

permits a court assigned to exercise jurisdiction under the Children's Code and the Juvenile Justice Code (juvenile court) to retroactively correct an earlier order removing the child from his or her home, and excludes ~~certain time periods~~ any period during which a child's care was not eligible for reimbursement under Title IV-E

for purposes of determining whether the child has been placed in an out-of-home placement for 15 of the most recent 22 months, which triggers a requirement that a petition be filed for termination of parental rights (TPR)

~~Under current law, the agency primarily responsible for providing services~~ under a juvenile court order must make reasonable efforts to achieve the goal or goals of the child's permanency plan. In making those reasonable efforts, the agency may, at the same time as the agency is making reasonable efforts to return the child safely to his or her home, make reasonable efforts to place the child for adoption, with a guardian, in the home of a relative, or in some other alternative permanent placement (concurrent reasonable efforts). An agency, however, is not required to make reasonable efforts to return the child to his or her home if the juvenile court finds that the parent has committed certain crimes of homicide against a child of the parent; has committed battery, sexual assault, or physical or sexual abuse resulting in great bodily harm or substantial bodily harm to the child or to another child of the parent; has had his or her parental rights terminated with respect to another child; or has subjected the child to aggravated circumstances, which are defined as including criminal abandonment, torture, chronic abuse, and sexual abuse. If the juvenile court finds that any of those circumstances applies to a parent, the juvenile court must hold a hearing within 30 days after the date of that finding to determine ~~the permanency plan for the child (permanency plan determination hearing).~~

Under current law, the juvenile court or a panel appointed by the juvenile court (permanency plan review panel) must review a child's permanency plan every six months to determine, among other things, the continuing necessity for and appropriateness of the placement, the progress being made toward eliminating the causes of the child's placement and returning the child to the home or obtaining a permanent placement for the child, and whether reasonable efforts are being made to achieve the goal of the child's permanency plan (permanency plan review). In addition, the juvenile court must hold a hearing to review a child's permanency plan no later than 12 months after the child is removed from the home and every 12 months after that hearing, which hearing may be held instead of or in addition to the permanency plan review (permanency plan hearing).

Consultation with child. The Child and Family Services Improvement Act of 2006 requires a state's case review system to include procedural safeguards to assure that the court or administrative body conducting a permanency plan hearing consults, in an age–appropriate manner, with the child regarding the proposed permanency plan for the child.

This bill requires a child's permanency plan to include a statement as to whether the child's age and developmental level are sufficient for the juvenile court to consult with the child at the permanency plan determination hearing or at the permanency plan hearing or for the juvenile court or permanency plan review panel to consult with the child at the permanency plan review. If the child's permanency plan includes an independent living plan (which is a plan that is required for a child 15 years of age or over to assist the child in preparing for independent living) or indicates that the child's age and developmental level are sufficient for the juvenile court or permanency plan review panel to consult with the child regarding the child's permanency plan or if the juvenile court or panel otherwise determines that consultation with the child would be in the best interests of the child, the juvenile court or panel must consult with the child, in an age–appropriate and

developmentally appropriate manner, regarding the child's permanency plan and any other matters the court or panel finds appropriate by permitting the child, the child's caseworker, the child's counsel, or the child's guardian ad litem to make a written or oral statement during the hearing or review, or to submit a written statement prior to the hearing or review, expressing the child's wishes, goals, and concerns regarding the permanency plan and those matters.

Expediting out–of–state placements. The Safe and Timely Interstate Placement of Foster Children Act of 2006 requires reasonable efforts to be made to place a child in a timely manner in accordance with the child's permanency plan, including, if appropriate, through an interstate placement, requires a permanency plan hearing to consider out–of–state permanent placement options for a child, and requires concurrent reasonable efforts to include identifying appropriate out–of–state placements for adoption or with a legal guardian. That act also provides grants to the highest courts in states receiving assistance under Title IV–E to enable those courts to assess the effect of state laws requiring proceedings to expedite the interstate placement of children, including state laws requiring courts to cooperate in the sharing of information, authorizing courts to obtain information and testimony without requiring interstate travel by agencies and parties, and permitting parents, children, other necessary parties, and attorneys to participate in cases involving interstate placement without requiring their interstate travel.

This bill requires a permanency plan whose goal is to place a child for adoption, with a guardian, with a relative, or in some other alternative permanent placement to include efforts to place the child in a safe and appropriate placement outside the state if the agency determines that such a placement would be in the best interests of the child and appropriate to achieving the goal of the child's permanency plan. For a child who is placed in a placement outside the state, the bill requires the permanency plan to include a statement as to whether that placement continues to be in the best interests of the child and appropriate to achieving the goal of the child's permanency plan. In addition, the bill requires an agency, in making concurrent reasonable efforts to place a child for adoption, with a guardian, with a relative, or in some other alternative permanent placement, to include efforts to place the child in a safe and appropriate placement outside the state if the agency determines that such a placement would be in the best interests of the child and appropriate to achieving the goals of the child's permanency plan.

The bill also requires a juvenile court, at the permanency plan determination hearing, to consider placing the child in a placement outside the state if the juvenile court determines that such a placement would be in the best interests of the child and appropriate to achieving the goal of the child's permanency plan. In addition, the bill requires a juvenile court or permanency plan review panel, in determining at the permanency plan hearing or the permanency plan review whether reasonable efforts were made to achieve the permanency planning goal of placing the child for adoption, with a guardian, with a relative, or in some other alternative permanent placement, to determine whether reasonable efforts were made by the agency to place the child in a safe and appropriate placement outside the state that is in the best interests of the child and appropriate to achieving the goal of the child's permanency plan or, if

the child is placed in a placement outside the state, to determine whether that placement continues to be in the best interests of the child and appropriate to achieving the goal of the child' s permanency plan.

Finally, with respect to expediting the out–of–state placement of children, the bill requires the juvenile courts of this state to cooperate with the courts of other states in the sharing of information; obtain, to the greatest extent possible, information and testimony from agencies and parties located in other states without requiring interstate travel by those agencies and parties; and permit parents, children, other necessary parties, attorneys, and guardians ad litem in proceedings involving the interstate placement of a child to participate in those proceedings without requiring interstate travel by those persons.

Right to be heard in proceedings involving children in out–of–home care

The Safe and Timely Interstate Placement of Foster Children Act of 2006 requires a state's case review system to include procedures for assuring that any foster parent, preadoptive parent, or relative providing care for a child is provided *a right* to be heard in any proceeding held with respect to the child. Current state law, however, requires the juvenile court to give a foster parent, treatment foster parent, any relative with whom a child is living, and any other physical custodian of a child *an opportunity* to be heard at any hearing under the Children's Code or the Juvenile Justice Code, involving the child, other than a hearing for which notice need only be provided to the child and his or her counsel, by permitting that person to make a written or oral statement during the hearing or to submit a written statement prior to the hearing.

This bill requires the juvenile court to give a foster parent, treatment foster parent, operator of a facility in which a child is living, relative with whom a child is living, or other physical custodian of a child *a right* to be heard at any hearing under the Children's Code or the Juvenile Justice Code, involving the child, other than a hearing for which notice need only be provided to the child and his or her counsel. The bill also requires a juvenile court to give that right to a preadoptive parent, which the bill defines as a foster parent, treatment foster parent, relative, or other person with whom a child is placed for adoption following a termination of parental rights to the child.

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Reporting of infants affected by controlled substances

CAPTA requires a state's state plan to include a requirement that a health care provider involved in the delivery or care of an infant identified as being affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure to notify the child protective services system of the occurrence of that condition in the infant. Current state law requires a physician who determines that there is a serious risk that an infant's bodily fluids contain a controlled substance to report that information to a county department of human services or social services or, in Milwaukee County, to the county department of community programs or developmental disabilities services. The county department then must offer or make arrangements for the provision of appropriate services and treatment for the infant and the infant's mother.

This bill requires a physician who determines that there is a serious risk that an infant's bodily fluids contain a controlled substance to report that information to the agency that is responsible for investigating reports of suspected child abuse or neglect, which is the county department, DHFS in Milwaukee County, or a child welfare agency under contract with a county department or DHFS to conduct those investigations. Under the bill, if a county department or a child welfare agency under contract with a county department receives such a report, the county department or child welfare agency must offer or make arrangements for the provision of appropriate services and treatment for the infant and the infant's mother and, if DHFS or a child welfare agency under contract with DHFS receives such a report, DHFS or the child welfare agency must refer the report to the county department of community programs or developmental disabilities services and that county department must offer or make arrangements for the provision of those services and that treatment.

Circuit court commissioner review of permanency plans

Under current law, a circuit court commissioner assigned to assist in juvenile matters may conduct certain proceedings under the Children's Code and the Juvenile Justice Code, including temporary physical custody hearings, plea hearings, and uncontested fact–finding and dispositional hearings. This bill permits a circuit court commissioner to conduct permanency plan reviews and hearings.

Change in placement orders

Under current law, the placement of a child who is placed outside the home may be changed without a hearing if the parent, guardian, or legal custodian of the child and the child, if 12 years of age or over, sign written waivers of objection to the change in placement or if the child, the parent, guardian, or legal custodian of the child, and the foster parent, treatment foster parent, or other physical custodian of the child do not file an objection to the proposed change in placement within ten days after receiving notice of the proposed change in placement.

This bill provides that a juvenile court order is required to change the placement of a child who is placed outside the home, regardless of whether a hearing is held on the proposed change in placement, unless the change in placements is authorized in the dispositional order and no objection to the change in placement is filed. If no objection is filed, the child's placement may be changed ten days after notice is sent to the parties and the juvenile court may issue an order approving the change in placement after it is made.

Placement and care responsibility

Under current law, if the juvenile court orders a child who is under the supervision of a county department or, in Milwaukee County, DHFS to be placed outside the home, the juvenile court must order the child into the placement and care responsibility of the county department or DHFS and assign the county department or DHFS primary responsibility for providing services to the child. This bill requires that order whenever a juvenile court orders a child to be placed outside the home, regardless of whether the child is under the supervision of a county department or DHFS.

Reasonable efforts not required; permanency plan determination hearing

Finally, the bill eliminates the requirement that a permanency plan determination hearing be held for a child who is living outside the home at the time that a consent decree maintaining the child in that placement is entered into when reasonable efforts to return the child to his or her home are not required.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 46.238 of the statutes is amended to read:

46.238 Infants and unborn children whose mothers abuse controlled substances or controlled substance analogs. If ~~a county department under s. 46.22 or 46.23 or, in a county having a population of 500,000 or more, a county department under s. 51.42 or 51.437~~ an agency, as defined in s. 48.981 (1) (ag), receives a report under s. 146.0255 (2) and that agency is a county department under s. 46.22 or 46.23 or a licensed child welfare agency under contract with that county department, the ~~county department~~ agency shall offer to provide appropriate services and treatment to the child and the child's mother or to the unborn child, as defined in s. 48.02 (19), and the expectant mother of the unborn child or the ~~county department~~ agency shall make arrangements for the provision of appropriate services ~~or~~ and treatment. If an agency receives a report under s. 146.0255 (2) and that agency is the department or a licensed child welfare agency under contract with the department, the agency shall refer the report to the county department under s. 51.42 or 51.437 and that county department shall offer to provide, or make arrangements for the provision of, those services and that treatment.

~~**SECTION 2.** 48.02 (14j) of the statutes is created to read:~~

48.02 **(14j)** ~~"Preadoptive parent" means a foster parent, treatment foster~~ parent, relative, or other person with whom a child is placed ~~under~~ s. 48.833, 48.835 or 48.837 following a termination ~~of parental~~ rights to the child.

SECTION 3. ~~48.21 (5) (b) 1. d. of the~~ statutes, as created ~~by~~ 2007 ~~Wisconsin~~ Act 20, is amended to read:

48.21 **(5)** (b) 1. d. ~~If the child is under the supervision of the county department or, in a county having a population of 500,000 or more, the department, an~~ An order ordering the child into ~~the~~ placement and care responsibility of the county department ~~or~~, in a county having a population of 500,000 or more, the department as required under 42 USC 672 (a) (2) and assigning the county department ~~or department primary responsibility for providing services to the child.~~

Insert 9-11

SECTION 4. 48.21 (5) (d) 1. of the statutes is renumbered 48.21 (5) (d) and amended to read:

48.21 **(5)** (d) If the judge or circuit court commissioner finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the judge or circuit court commissioner shall hold a hearing under s. 48.38 (4m) within 30 days after the date of that finding to determine the permanency plan for the child. ~~If a hearing is held under this subdivision, the agency responsible for preparing the permanency plan shall file the permanency plan with the court not less than 5 days before the date of the hearing.~~

as affected by 2009 Wisconsin Act 28

SECTION 5. 48.21 (5) (d) 2. of the statutes is repealed.

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SECTION 6. 48.21 (5) (d) 3. of the statutes is repealed.

SECTION 7. ~~48.27 (3) (a) 1. of the statutes is amended to read:~~

48.27 **(3)** (a) ~~1.~~ If the petition that was filed relates to facts concerning a situation under ~~s. 48.13 or a situation under s. 48.133 involving an expectant mother~~

1 ~~who is a child, the court shall also notify, under s. 48.273, the child,~~ any parent,
2 guardian, and legal custodian of the child, any foster parent, treatment foster parent,
3 preadoptive parent, or other physical custodian described in s. 48.62 (2) of the child,
4 the unborn child by the unborn child's guardian ad litem, if applicable, and any
5 person specified in par. (b), (d), or (e), if applicable, of all hearings involving the child,
6 except hearings on motions for which notice need only be provided to the child and
7 his or her counsel. When parents who are entitled to notice have the same place of
8 residence, notice to one shall constitute notice to the other. The first notice to any
9 interested party, foster parent, treatment foster parent, preadoptive parent, or other
10 physical custodian described in s. 48.62 (2) shall be written and may have a copy of
11 the petition attached to it. Thereafter, notice of hearings may be given by telephone
12 at least 72 hours before the time of the hearing. The person giving telephone notice
13 shall place in the case file a signed statement of the time notice was given and the
14 ~~person to whom he or she spoke.~~

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15 **SECTION 8.** 48.27 (3) (a) 1m. of the statutes is amended to read:

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16 48.27 **(3)** (a) 1m. The court shall give a foster parent, treatment foster parent,
17 ~~preadoptive parent,~~ or other physical custodian described in s. 48.62 (2) who is
18 notified of a hearing under subd. 1. ~~an opportunity~~ a right to be heard at the hearing
19 by permitting the foster parent, treatment foster parent, ~~preadoptive parent,~~ or
20 other physical custodian to make a written or oral statement during the hearing, or
21 to submit a written statement prior to the hearing, relevant to the issues to be
22 determined at the hearing. A foster parent, treatment foster parent, ~~preadoptive~~
23 ~~parent,~~ or other physical custodian described in s. 48.62 (2) who receives a notice of
24 a hearing under subd. 1. and ~~an opportunity~~ a right to be heard under this

subdivision does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and ~~opportunity~~ right to be heard.

~~**SECTION 9.** 48.27 (3) (a) 2. of the statutes is amended to read:~~

~~48.27 **(3)** (a) 2. Failure to give notice under subd. 1. to a foster parent, treatment foster parent, preadoptive parent, or other physical custodian described in s. 48.62 (2) does not deprive the court of jurisdiction in the action or proceeding. If a foster parent, treatment foster parent, preadoptive parent, or other physical custodian described in s. 48.62 (2) is not given notice of a hearing under subd. 1., that person may request a rehearing on the matter during the pendency of an order resulting from the hearing. If the request is made, the court shall order a rehearing.~~

Insert 11-10

SECTION 10. 48.27 (6) of the statutes is amended to read:

48.27 **(6)** When a proceeding is initiated under s. 48.14, all interested parties shall receive notice and appropriate summons shall be issued in a manner specified by the court~~, consistent with applicable governing statutes. In addition, if~~. If the child who is the subject of the proceeding is in the care of a foster parent, treatment foster parent, ~~preadoptive parent,~~ or other physical custodian described in s. 48.62 (2), the court shall give the foster parent, treatment foster parent, ~~preadoptive parent,~~ or other physical custodian notice and ~~an opportunity~~ a right to be heard as provided in sub. (3) (a).

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~~**SECTION 11.** 48.299 (1) (ag) of the statutes is amended to read:~~

~~48.299 **(1)** (ag) In a proceeding other than a proceeding under s. 48.375 (7), if a public hearing is not held, only the parties and their counsel or guardian ad litem, the court–appointed special advocate for the child, the child's foster parent, treatment foster parent, preadoptive parent, or other physical custodian described in s. 48.62 (2), witnesses, and other persons requested by a party and approved by~~

the court may be present, except that the court may exclude a foster parent, treatment foster parent, preadoptive parent, or other physical custodian described in s. 48.62 (2) from any portion of the hearing if that portion of the hearing deals with sensitive personal information of the child or the child's family or if the court determines that excluding the foster parent, treatment foster parent, preadoptive parent, or other physical custodian would be in the best interests of the child. Except in a proceeding under s. 48.375 (7), any other person the court finds to have a proper interest in the case or in the work of the court, including a member of the bar, may be admitted by the court.

SECTION 12. 48.32 (1) (b) 1. d. of the statutes, as created by 2007 Wisconsin Act 20, is amended to read:

48.32 **(1)** (b) 1. d. ~~If the child's placement or other living arrangement is under the supervision of the county department or, in a county having a population of 500,000 or more, the department, an~~ An order ordering the child into the placement and care responsibility of the county department or, in a county having a population of 500,000 or more, the department as required under 42 USC 672 (a) (2) and assigning the county department or department primary responsibility for providing services to the child.

SECTION 13. 48.32 (1) (c) of the statutes is repealed.

SECTION 14. 48.355 (2) (b) 6g. of the statutes, as created by 2007 Wisconsin Act 20, is amended to read:

48.355 **(2)** (b) 6g. If the child is placed outside the home ~~under the supervision of~~, an order ordering the child into the placement and care responsibility of the county department or, in a county having a population of 500,000 or more, the department~~, an order ordering the child into the placement and care responsibility~~

Insert 13-3

~~of the county department or department as required under 42 USC 672 (a) (2)~~ and assigning ~~the county department or department primary responsibility for providing services to the child.~~

SECTION 15. 48.355 (2b) of the statutes is amended to read:

48.355 **(2b)** CONCURRENT REASONABLE EFFORTS PERMITTED. A county department, the department, in a county having a population of 500,000 or more, or the agency primarily responsible for providing services to a child under a court order may, at the same time as the county department, department, or agency is making the reasonable efforts required under sub. (2) (b) 6. to prevent the removal of the child from the home or to make it possible for the child to return safely to his or her home, work with the department, a county department under s. 48.57 (1) (e) or (hm), or a child welfare agency licensed under s. 48.61 (5) in making reasonable efforts to place the child for adoption, with a guardian, with a fit and willing relative, or in some other alternative permanent placement. Those efforts to place the child for adoption, with a guardian, with a fit and willing relative, or in some other alternative permanent placement shall include efforts to place the child in a safe and appropriate placement outside this state if the county department, department, or agency determines that such a placement would be in the best interests of the child and appropriate to achieving the goals of the child's permanency plan.

Insert 13-19

SECTION 16. 48.355 (2d) (c) 1. of the statutes is renumbered 48.355 (2d) (c) and amended to read:

48.355 **(2d)** (c) If the court finds that any of the circumstances specified in par. (b) 1. to 5. applies with respect to a parent, the court shall hold a hearing under s. 48.38 (4m) within 30 days after the date of that finding to determine the permanency plan for the child. ~~If a hearing is held under this subdivision, the agency responsible~~

~~for preparing the permanency plan shall file the permanency plan with the court not less than 5 days before the date of the hearing.~~

SECTION 17. 48.355 (2d) (c) 2. of the statutes is repealed.

SECTION 18. 48.355 (2d) (c) 3. of the statutes is repealed.

as affected by 2009 Wisconsin Act 28

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~~**SECTION 19.** 48.357 (1) (am) 1. of the statutes is amended to read:~~

48.357 **(1)** (am) 1. If the proposed change in placement involves any change in placement other than a change in placement specified in par. (c), the person or agency primarily responsible for implementing the dispositional order, the district attorney, or the corporation counsel shall cause written notice of the proposed change in placement to be sent to the child, the parent, guardian, and legal custodian of the child, any foster parent, treatment foster parent, preadoptive parent, or other physical custodian described in s. 48.62 (2) of the child, the child's court–appointed special advocate, and, if the child is the expectant mother of an unborn child under s. 48.133, the unborn child by the unborn child's guardian ad litem. If the expectant mother is an adult, written notice shall be sent to the adult expectant mother and the unborn child by the unborn child's guardian ad litem. The notice shall contain the name and address of the new placement, the reasons for the change in placement, a statement describing why the new placement is preferable to the present placement, and a statement of how the new placement satisfies objectives of the treatment plan ordered by the court.

SECTION 20. 48.357 (1) (am) 2. of the statutes is amended to read:

48.357 **(1)** (am) 2. Any person ~~receiving the~~ who is sent a notice under subd. 1. or a notice of a specific placement under s. 48.355 (2) (b) 2., other than a court–appointed special advocate, may obtain a hearing on the matter by filing an objection with the court within 10 days after ~~receipt of~~ the notice is sent. Placements

may ~~not be changed until 10 days after that~~ the notice is sent to the persons specified in subd. 1. and to the court unless the parent, guardian, or legal custodian and the child, if 12 years of age or over, or the child expectant mother, if 12 years of age or over, her parent, guardian, or legal custodian and the unborn child by the unborn child's guardian ad litem, or the adult expectant mother and the unborn child by the unborn child's guardian ad litem, sign written waivers of objection, except that changes in placement that were authorized in the dispositional order may be made immediately if notice is given as required under subd. 1. In addition, a hearing is not required for placement changes authorized in the dispositional order except when an objection filed by a person who ~~received~~ is sent notice alleges that new information is available that affects the advisability of the court's dispositional order.

SECTION 21. 48.357 (1) (am) 2m. of the statutes is created to read:

48.357 **(1)** (am) 2m. Regardless of whether a hearing is held under subd. 2., a court order is required for any change in placement under this paragraph other than a change in placement that is authorized in the dispositional order and to which no objection is filed. In a case in which no objection is filed in response to a notice under subd. 1. or a notice of a specific placement under s. 48.355 (2) (b) 2., the child's placement may be changed 10 days after the notice is sent to the persons specified in subd. 1. and to the court, and the court may satisfy the requirement of this subdivision by issuing an order approving the change in placement after the change in ~~placement~~ is made.

Insert 15-21

SECTION 22. 48.357 (2m) (b) of the statutes is amended to read:

48.357 **(2m)** (b) The court shall hold a hearing on the matter prior to ordering any change in placement requested or proposed under par. (a) if the request states that new information is available that affects the advisability of the current

placement~~, unless~~. A hearing is not required if the requested or proposed change in placement ~~involves any~~ does not involve a change in placement ~~other than a change in placement~~ of a child placed in the home to a placement outside the home ~~and~~, written waivers of objection to the proposed change in placement are signed by all persons entitled to receive notice under sub. (1) (am) 1., other than a court–appointed special advocate, and the court approves. If a hearing is scheduled, the court shall notify the child, the parent, guardian, and legal custodian of the child, any foster parent, treatment foster parent, ~~preadoptive parent~~ or other physical custodian described in s. 48.62 (2) of the child, the child's court–appointed special advocate, all parties who are bound by the dispositional order, and, if the child is the expectant mother of an unborn child under s. 48.133, the unborn child by the unborn child's guardian ad litem, or shall notify the adult expectant mother, the unborn child by the unborn child's guardian ad litem, and all parties who are bound by the dispositional order, at least 3 days prior to the hearing. A copy of the request or proposal for the change in placement shall be attached to the notice. If all of the parties consent, the court may proceed immediately with the hearing.

Ins-1 16-6

SECTION 23. 48.357 (2r) of the statutes is amended to read:

48.357 **(2r)** If a hearing is held under sub. (1) (am) 2. or (2m) (b) and the change in placement would remove a child from a foster home, treatment foster home, ~~the home of a preadoptive parent~~ or other placement with a physical custodian described in s. 48.62 (2), the court shall give the foster parent, treatment foster parent, ~~preadoptive parent~~ or other physical custodian described in s. 48.62 (2) ~~an opportunity~~ a right to be heard at the hearing by permitting the foster parent, treatment foster parent, ~~preadoptive parent~~ or other physical custodian to make a written or oral statement during the hearing or to submit a written statement prior

to the hearing relating to the child and the requested change in placement. A foster parent, treatment foster parent, ~~preadoptive parent,~~ or other physical custodian described in s. 48.62 (2) who receives notice of a hearing under sub. (1) (am) 1. or (2m) (b) and ~~an opportunity~~ a right to be heard under this subsection does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and ~~opportunity~~ right to be heard.

~~**SECTION 24.** 48.357 (2v) (a) 1m. of the statutes, as created by 2007 Wisconsin Act 20, is amended to read:~~

~~48.357 **(2v)** (a) 1m. If the change in placement order changes the placement of a child who is under the supervision of the county department or, in a county having a population of 500,000 or more, the department to a placement outside the child's home, whether from a placement in the home or from another placement outside the home, an order ordering the child into, or to be continued in, the placement and care responsibility of the county department or, in a county having a population of 500,000 or more, the department as required under 42 USC 672 (a) (2) and assigning the county department or department primary responsibility, or continued primary responsibility, for providing services to the child.~~

Insert 17-7

SECTION 25. 48.357 (2v) (c) 1. of the statutes is renumbered 48.357 (2v) (c) and amended to read:

48.357 **(2v)** (c) If the court finds under par. (a) 3. that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the court shall hold a hearing under s. 48.38 (4m) within 30 days after the date of that finding to determine the permanency plan for the child. ~~If a hearing is held under this subdivision, the agency responsible for preparing the permanency plan shall file the permanency plan with the court not less than 5 days before the date of the hearing.~~

Insert 18-2

SECTION 26. 48.357 (2v) (c) 2. of the statutes as affected by 2009 Wisconsin Act 28 is repealed.

SECTION 27. 48.357 (2v) (c) 3. of the statutes is repealed.

SECTION 28. 48.363 (1) (b) of the statutes is amended to read: <use 2x>

48.363 **(1)** (b) If a hearing is held, at least 3 days prior to the the hearing the court shall notify the child, the child's parent, guardian and legal custodian, all parties bound by the dispositional order, the child's foster parent, treatment foster parent, ~~preadoptive parent,~~ or other physical custodian described in s. 48.62 (2), the child's court–appointed special advocate, the district attorney or corporation counsel in the county in which the dispositional order was entered, and, if the child is the expectant mother of an unborn child under s. 48.133, the unborn child by the unborn child's guardian ad litem; or shall notify the adult expectant mother, the unborn child through the unborn child's guardian ad litem, all parties bound by the dispositional order, and the district attorney or corporation counsel in the county in which the dispositional order was entered~~, at least 3 days prior to the hearing~~. A copy of the request or proposal shall be attached to the notice. If all parties consent, the court may proceed immediately with the hearing. No revision may extend the effective period of the original order.

Insert 18-17

SECTION 29. 48.363 (1m) of the statutes is amended to read:

48.363 **(1m)** If a hearing is held under sub. (1) (a), any party may present evidence relevant to the issue of revision of the dispositional order. In addition, the court shall give a foster parent, treatment foster parent, ~~preadoptive parent,~~ or other physical custodian described in s. 48.62 (2) of the child ~~an opportunity~~ a right to be heard at the hearing by permitting the foster parent, treatment foster parent, ~~preadoptive parent,~~ or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant

to the issue of revision. A foster parent, treatment foster parent, ~~preadoptive parent,~~ or other physical custodian described in s. 48.62 (2) who receives notice of a hearing under sub. (1) (a) and ~~an opportunity~~ a right to be heard under this subsection does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and ~~opportunity~~ right to be heard.

~~SECTION 30. 48.365 (2) of the statutes is amended to read:~~

~~48.365 **(2)** No order may be extended without a hearing. The court shall notify the child, the child's parent, guardian, and legal custodian, all the parties present at the original hearing, the child's foster parent, treatment foster parent, preadoptive parent, or other physical custodian described in s. 48.62 (2), the child's court–appointed special advocate, the district attorney or corporation counsel in the county in which the dispositional order was entered, and, if the child is an expectant mother of an unborn child under s. 48.133, the unborn child by the unborn child's guardian ad litem, or shall notify the adult expectant mother, the unborn child through the unborn child's guardian ad litem, all the parties present at the original hearing, and the district attorney or corporation counsel in the county in which the dispositional order was entered, of the time and place of the hearing.~~

Insert 19-17

SECTION 31. 48.365 (2m) (ad) 1. of the statutes is renumbered 48.365 (2m) (ad) and amended to read:

48.365 **(2m)** (ad) If the judge finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the judge shall hold a hearing under s. 48.38 (4m) within 30 days after the date of that finding to determine the permanency plan for the child. ~~If a hearing is held under this subdivision, the agency responsible for preparing the permanency plan shall file the permanency plan with the court not less than 5 days before the date of the hearing.~~

as affected by 2009 Wisconsin Act 28

SECTION 32. 48.365 (2m) (ad) 2. of the statutes is repealed.

SECTION 33. 48.365 (2m) (ag) of the statutes is amended to read:

48.365 **(2m)** (ag) The court shall give a foster parent, treatment foster parent, ~~preadoptive parent,~~ or other physical custodian described in s. 48.62 (2) who is notified of a hearing under ~~par. (ad) 2. or~~ sub. (2) ~~an opportunity~~ a right to be heard at the hearing by permitting the foster parent, treatment foster parent, ~~preadoptive parent,~~ or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issue of extension. A foster parent, treatment foster parent, ~~preadoptive parent,~~ or other physical custodian described in s. 48.62 (2) who receives notice of a hearing under ~~par. (ad) 2. or~~ sub. (2) and ~~an opportunity~~ a right to be heard under this paragraph does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and ~~opportunity~~ right to be heard.

~~**SECTION 34.** 48.38 (2) (intro.) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:~~

~~48.38 **(2)** PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3), for each child living in a foster home, treatment foster home, group home, residential care center for children and youth, juvenile detention facility, or shelter care facility or in the home of a preadoptive parent, the agency that placed the child or arranged the placement or the agency assigned primary responsibility for providing services to the child under s. 48.355 (2) (b) 6g. shall prepare a written permanency plan, if any of the following conditions exists, and, for each child living in the home of a relative other than a parent, that agency shall prepare a written permanency plan, if any of the conditions specified in pars. (a) to (e) exists:~~

Insert 20-24

SECTION 35. 48.38 (3) of the statutes is amended to read:

48.38 **(3)** TIME. Subject to ~~s. 48.355 (2d) (c) 1.~~ sub. (4m) (a), the agency shall file the permanency plan with the court within 60 days after the date on which the child was first removed from his or her home, except that if the child is held for less than 60 days in a juvenile detention facility, juvenile portion of a county jail, or a shelter care facility, no permanency plan is required if the child is returned to his or her home within that period.

~~SECTION 36. 48.38 (4) (f) (intro.) of the statutes is amended to read:~~

~~48.38 **(4)** (f) (intro.) A description of the services that will be provided to the child, the child's family, and the child's foster parent, the child's treatment foster parent, the child's preadoptive parent, the operator of the facility where in which the child is living, or the relative with whom the child is living to carry out the dispositional order, including services planned to accomplish all of the following:~~

Ins + 21-12

SECTION 37. 48.38 (4) (fm) of the statutes is amended to read:

48.38 **(4)** (fm) If the goal of the permanency plan is to place the child for adoption, with a guardian, with a fit and willing relative, or in some other alternative permanent placement, the efforts made to achieve that goal. Those efforts shall include efforts to place the child in a safe and appropriate placement outside this state if the agency determines that such a placement would be in the best interests of the child and appropriate to achieving the goal of the child's permanency plan. If the agency determines not to place the child in an available placement outside this state, the permanency plan shall include a statement as to why that placement is not in the best interests of the child or not appropriate to achieving the goal of the child's permanency plan. If the child is placed in a placement outside this state, the permanency plan shall include a statement as to whether that placement continues

to be in the best interests of the child and appropriate to achieving the goal of the child's permanency plan.

SECTION 38. 48.38 (4) (h) (intro.) of the statutes is amended to read:

48.38 **(4)** (h) (intro.) If the child is 15 years of age or over, ~~a description of~~ an independent living plan describing the programs and services that are or will be provided to assist the child in preparing for the transition from out–of–home care to independent living. The ~~description~~ plan shall include all of the following:

SECTION 39. 48.38 (4) (i) of the statutes is created to read:

48.38 **(4)** (i) A statement as to whether the child's age and developmental level are sufficient for the court to consult with the child at the permanency plan determination hearing under sub. (4m) (c) or at the permanency plan hearing under sub. (5m) (c) 2. or s. 48.43 (5) (b) 2. or for the court or panel to consult with the child at the permanency plan review under sub. (5) (bm) 2. and, if a decision is made that it would not be age appropriate or developmentally appropriate for the court or panel to consult with the child, a statement as to why consultation with the child would not be appropriate.

SECTION 40. 48.38 (4m) of the statutes is created to read:

48.38 **(4m)** REASONABLE EFFORTS NOT REQUIRED; PERMANENCY PLAN DETERMINATION HEARING. (a) If in a proceeding under s. 48.21, 48.355, 48.357, or 48.365 the court finds that any of the circumstances under s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the court shall hold a hearing within 30 days after the date of that finding to determine the permanency plan for the child. If a hearing is held under this paragraph, the agency responsible for preparing the permanency plan shall file the permanency plan with the court not less than 5 days before the date of the the hearing. At the hearing, the court shall consider placing the child in a

placement outside this state if the court determines that such a placement would be in the best interests of the child and appropriate to achieving the goal of the child's permanency plan.

(b) At least 10 days before the date of the hearing, the court shall notify the child; the child's parent, guardian, and legal custodian; and the child's foster parent, or treatment foster parent, ~~or preadoptive parent~~, the operator of the facility in which the child is living, or the relative with whom the child is living of the time, place, and purpose of the hearing, of the issues to be determined at the hearing, and of the fact that they shall have a right to be heard at the hearing.

(c) If the child's permanency plan includes an independent living plan under sub. (4) (h) or a statement under sub. (4) (i) indicating that the child's age and developmental level are sufficient for the court to consult with the child regarding the child's permanency plan or if, notwithstanding a decision under sub. (4) (i) that it would not be appropriate for the court to consult with the child, the court determines that consultation with the child would be in the best interests of the child, the court shall consult with the child, in an age–appropriate and developmentally appropriate manner, regarding the child's permanency plan and any other matters the court finds appropriate by permitting the child, the child's caseworker, the child's counsel, or, subject to s. 48.235 (3) (a), the child's guardian ad litem to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, expressing the child's wishes, goals, and concerns regarding the permanency plan and those matters. A caseworker, counsel, or guardian ad litem who makes or submits a statement under this paragraph shall advise the court that the statement represents the wishes, goals, and concerns, but not necessarily the best interests, of the child.

(d) The court shall give a foster parent, treatment foster parent, ~~preadoptive parent,~~ operator of a facility, or relative who is notified of a hearing under par. (b) a right to be heard at the hearing by permitting the foster parent, treatment foster parent, ~~preadoptive parent,~~ operator, or relative to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issues to be determined at the hearing. The foster parent, treatment foster parent, ~~preadoptive parent,~~ operator of a facility, or relative does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and right to be heard.

Insert 24-9

SECTION 41. 48.38 (5) (b) of the statutes is amended to read:

48.38 **(5)** (b) The court or the agency shall notify ~~the parents of~~ the child~~, the child, if he or she is 12 years of age or older, and~~; the child's parent, guardian, and legal custodian; and the child's foster parent~~, the child's~~ or treatment foster parent, ~~or~~ ~~preadoptive parent,~~ the operator of the facility in which the child is living, or the relative with whom the child is living of the ~~date,~~ time, ~~and~~ place, and purpose of the review, of the issues to be determined as part of the review, and of the fact that they ~~may have an opportunity~~ shall have a right to be heard at the review ~~by submitting written comments not less than 10 working days before the review or by participating at the review~~ as provided in par. (bm) 1. The court or agency shall notify the person representing the interests of the public, the child's counsel, the child's guardian ad litem, and the child's court–appointed special advocate of the ~~date~~ time, place, and purpose of the review, of the issues to be determined as part of the review, and of the fact that they may ~~submit written comments not less than 10 working days before the review~~ have an opportunity to be heard at the review as provided in par. (bm) 1. The notices under this paragraph shall be provided in writing not less than

strike comma

Insert 25-2

30 days before the review and copies of the notices shall be filed in the child's case record.

SECTION 42. 48.38 (5) (bm) of the statutes is created to read:

48.38 **(5)** (bm) 1. A child, parent, guardian, legal custodian, foster parent, treatment foster parent, ~~preadoptive parent,~~ operator of a facility, or relative who is provided notice of the review under par. (b) shall have a right to be heard at the review by submitting written comments relevant to the determinations specified in par. (c) not less than 10 working days before the date of the review or by participating at the review. A person representing the interests of the public, counsel, guardian ad litem, or court–appointed special advocate who is provided notice of the review under par. (b) may have an opportunity to be heard at the review by submitting written comments relevant to the determinations specified in par. (c) not less than 10 working days before the date of the review. A foster parent, treatment foster parent, ~~preadoptive parent,~~ operator of a facility, or relative who receives notice of a hearing under par. (b) and a right to be heard under this subdivision does not become a party to the proceeding on which the review is held solely on the basis of receiving that notice and right to be heard.

2. If the child's permanency plan includes an independent living plan under sub. (4) (h) or a statement under sub. (4) (i) indicating that the child's age and developmental level are sufficient for the court or panel to consult with the child regarding the child's permanency plan or if, notwithstanding a decision under sub. (4) (i) that it would not be appropriate for the court or panel to consult with the child, the court or panel determines that consultation with the child would be in the best interests of the child, the court or panel shall consult with the child, in an age–appropriate and developmentally appropriate manner, regarding the child's

1 permanency plan and any other matters the court or panel finds appropriate by
2 permitting the child, the child's caseworker, the child's counsel, or, subject to s.
3 48.235 (3) (a), the child's guardian ad litem to make a written or oral statement
4 during the review, or to submit a written statement prior to the review, expressing
5 the child's wishes, goals, and concerns regarding the permanency plan and those
6 matters. A caseworker, counsel, or guardian ad litem who makes or submits a
7 statement under this subdivision shall advise the court or panel that the statement
8 represents the wishes, goals, and concerns, but not necessarily the best interests, of
9 the child.

Insert 26-9

10 **SECTION 43.** 48.38 (5) (c) 7. of the statutes is amended to read:

11 48.38 **(5)** (c) 7. Whether reasonable efforts were made by the agency to achieve
12 the goal of the permanency plan, unless return of the child to the home is the goal
13 of the permanency plan and any of the circumstances specified in s. 48.355 (2d) (b)
14 1. to 5. applies. <u>If the goal of the permanency plan is to place the child for adoption,</u>
15 <u>with a guardian, with a fit and willing relative, or in some other alternative</u>
16 <u>permanent placement, the reasonable efforts determination under this subdivision</u>
17 <u>shall include a determination as to whether reasonable efforts were made by the</u>
18 <u>agency to place the child in a safe and appropriate placement outside this state that</u>
19 <u>is in the best interests of the child and appropriate to achieving the goal of the child's</u>
20 <u>permanency plan. If the child is placed in a placement outside this state, that</u>
21 <u>determination shall include a determination as to whether that placement continues</u>
22 <u>to be in the best interests of the child and appropriate to achieving the goal of the</u>
23 <u>child' s permanency plan.</u>

24 **SECTION 44.** 48.38 (5) (d) of the statutes is amended to read:

Insert 26-23

48.38 **(5)** (d) Notwithstanding s. 48.78 (2) (a), the agency that prepared the permanency plan shall, at least 5 days before a review by a review panel, provide to each person appointed to the review panel, the person representing the interests of the public, the child's counsel, the child's guardian ad litem, and the child's court–appointed special advocate a copy of the permanency plan and any written comments submitted under par. ~~(b)~~ (bm) 1. Notwithstanding s. 48.78 (2) (a), a person appointed to a review panel, the person representing the interests of the public, the child's counsel, the child's guardian ad litem, and the child's court–appointed special advocate may have access to any other records concerning the child for the purpose of participating in the review. A person permitted access to a child's records under this paragraph may not disclose any information from the records to any other person.

SECTION 45. 48.38 (5) (e) of the statutes is amended to read:

48.38 **(5)** (e) Within 30 days, the agency shall prepare a written summary of the determinations under par. (c) and shall provide a copy to the court that entered the order, the child or the child's counsel or guardian ad litem, the person representing the interests of the public, the child's parent ~~or~~, guardian, and legal custodian, the child's court–appointed special advocate, and the child's foster parent, ~~the child's~~ or treatment foster parent ~~or or preadoptive parent~~, the operator of the facility ~~where in which~~ the child is living, or the relative with whom the child is living.

SECTION 46. 48.38 (5m) (b) of the statutes is amended to read:

48.38 **(5m)** (b) Not less than 30 days before the date of the hearing, the court shall notify the child; the child's parent, guardian, and legal custodian; and the child's foster parent ~~or~~ or treatment foster parent, ~~or preadoptive parent~~, the operator of the facility in which the child is living, or the relative with whom the child is living;

of the time, place, and purpose of the hearing, of the issues to be determined at the hearing, and of the fact that they shall have a right to be heard at the hearing as provided in par. (c) 1. and shall notify the child's counsel, the child's guardian ad litem, and the child's court–appointed special advocate; the agency that prepared the permanency plan; and the person representing the interests of the public of the ~~date,~~ time, ~~and~~ place, and purpose of the hearing, of the issues to be determined at the hearing, and of the fact that they may have an opportunity to be heard at the hearing as provided in par. (c) 1.

Insert 28-8

SECTION 47. 48.38 (5m) (c) of the statutes is renumbered 48.38 (5m) (c) 1. and amended to read:

48.38 **(5m)** (c) 1. ~~Any person~~ A child, parent, guardian, legal custodian, foster parent, treatment foster parent, ~~or adoptive parent,~~ operator of a facility, or relative who is provided notice of the hearing ~~may have an opportunity~~ under par. (b) shall have a right to be heard at the hearing by submitting written comments relevant to the determinations specified in sub. (5) (c) not less than 10 working days before the date of the hearing or by participating at the hearing. A counsel, guardian ad litem, court–appointed special advocate, agency, or person representing the interests of the public who is provided notice of the hearing under par. (b) may have an opportunity to be heard at the hearing by submitting written comments relevant to the determinations specified in sub. (5) (c) not less than 10 working days before the date of the hearing or by participating at the hearing. A foster parent, treatment foster parent, ~~or adoptive parent,~~ operator of a facility ~~in which a child is living~~, or relative ~~with whom a child is living~~ who receives notice of a hearing under par. (b) and ~~an opportunity~~ a right to be heard under this ~~paragraph~~ subdivision does not become

Insert 29-2

a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and ~~opportunity~~ right to be heard.

SECTION 48. 48.38 (5m) (c) 2. of the statutes is created to read:

48.38 **(5m)** (c) 2. If the child's permanency plan includes an independent living plan under sub. (4) (h) or a statement under sub. (4) (i) indicating that the child's age and developmental level are sufficient for the court to consult with the child regarding the child's permanency plan or if, notwithstanding a decision under sub. (4) (i) that it would not be appropriate for the court to consult with the child, the court determines that consultation with the child would be in the best interests of the child, the court shall consult with the child, in an age–appropriate and developmentally appropriate manner, regarding the child's permanency plan and any other matters the court finds appropriate by permitting the child, the child's caseworker, the child's counsel, or, subject to s. 48.235 (3) (a), the child's guardian ad litem to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, expressing the child's wishes, goals, and concerns regarding the permanency plan and those matters. A caseworker, counsel, or guardian ad litem who makes or submits a statement under this subdivision shall advise the court that the statement represents the wishes, goals, and concerns, but not necessarily the best interests, of the child.

SECTION 49. 48.38 (5m) (d) of the statutes is amended to read:

48.38 **(5m)** (d) At least 5 days before the date of the hearing the agency that prepared the permanency plan shall provide a copy of the permanency plan and any written comments submitted under par. (c) 1. to the court, to the child's parent, guardian, and legal custodian, to the person representing the interests of the public, to the child's counsel or guardian ad litem, and to the child's court–appointed special

advocate. Notwithstanding s. 48.78 (2) (a), the person representing the interests of the public, the child's counsel or guardian ad litem, and the child's court–appointed special advocate may have access to any other records concerning the child for the purpose of participating in the review. A person permitted access to a child's records under this paragraph may not disclose any information from the records to any other person.

SECTION 50. 48.38 ~~(5m) (e) of~~ the statutes is amended to read:

48.38 **(5m)** (e) After the hearing, the court shall make written findings of fact and conclusions of law relating to the determinations under sub. (5) (c) and shall provide a copy of those findings of fact and conclusions of law to the child; the child's parent, guardian, and legal custodian; the child's foster parent ~~or~~ treatment foster parent, ~~an adoptive parent,~~ the operator of the facility in which the child is living, or the relative with whom the child is living; the child's court–appointed special advocate; the agency that prepared the permanency plan; and the person representing the interests of the public. The court shall make the findings specified in sub. (5) (c) 7. on a case–by–case basis based on circumstances specific to the child and shall document or reference the specific information on which those findings are based in the findings of fact and conclusions of law prepared under this paragraph. Findings of fact and conclusions of law that merely reference sub. (5) (c) 7. without documenting or referencing that specific information in the findings of fact and conclusions of law or amended findings of fact and conclusions of law that retroactively correct earlier findings of fact and conclusions of law that do not comply with ~~this paragraph are not sufficient to comply with this paragraph~~.

SECTION 51. 48.42 (2g) (am) of the statutes is amended to read:

Insert 30-23

48.42 **(2g)** (am) The court shall give a foster parent, treatment foster parent, or other physical custodian described in s. 48.62 (2) who is notified of a hearing under par. (a) ~~an opportunity~~ a right to be heard at the hearing by permitting the foster parent, treatment foster parent, or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issues to be determined at the hearing. A foster parent, treatment foster parent, or other physical custodian described in s. 48.62 (2) who receives a notice of a hearing under par. (a) and ~~an opportunity~~ a right to be heard under this paragraph does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and ~~opportunity~~ right to be heard.

Insert 31-10

SECTION 52. 48.427 (1m) of the statutes is amended to read:

48.427 **(1m)** In addition to any evidence presented under sub. (1), the court shall give the foster parent, treatment foster parent, or other physical custodian described in s. 48.62 (2) of the child ~~an opportunity~~ a right to be heard at the dispositional hearing by permitting the foster parent, treatment foster parent, or other physical custodian to make a written or oral statement during the dispositional hearing, or to submit a written statement prior to disposition, relevant to the issue of disposition. A foster parent, treatment foster parent, or other physical custodian described in s. 48.62 (2) who receives notice of a hearing under s. 48.42 (2g) (a) and ~~an opportunity~~ a right to be heard under this subsection does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and ~~opportunity~~ right to be heard.

Insert 31-22

SECTION 53. 48.43 (5) (b) of the statutes is renumbered 48.43 (5) (b) 1. and amended to read:

48.43 **(5)** (b) 1. The court shall hold a hearing to review the permanency plan within 30 days after receiving a report under par. (a). At least 10 days before the date of the hearing, the court shall provide notice of the time, ~~date~~ place, and purpose of the hearing to the agency that prepared the report, the child's guardian, the child, ~~if he or she is 12 years of age or over,~~ and the child's foster parent, or treatment foster parent, ~~other physical custodian described in s. 48.62 (2) or preadoptive parent~~ the operator of the facility in which the child is living or the relative with whom the child is living.

SECTION 54. 48.43 (5) (b) 2. of the statutes is created to read:

48.43 **(5)** (b) 2. If the child's permanency plan includes an independent living plan under s. 48.38 (4) (h) or a statement under s. 48.38 (4) (i) indicating that the child's age and developmental level are sufficient for the court to consult with the child regarding the child's permanency plan or if, notwithstanding a decision under s. 48.38 (4) (i) that it would not be appropriate for the court to consult with the child, the court determines that consultation with the child would be in the best interests of the child, the court shall consult with the child, in an age–appropriate and developmentally appropriate manner, regarding the child's permanency plan and any other matters the court finds appropriate by permitting the child, the child's caseworker, the child's counsel, or, subject to s. 48.235 (3) (a), the child's guardian ad litem to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, expressing the child's wishes, goals, and concerns regarding the permanency plan and those matters. A caseworker, counsel, or guardian ad litem who makes or submits a statement under this subdivision shall advise the court that the statement represents the wishes, goals, and concerns, but not necessarily the best interests, of the child.

SECTION 55. 48.43 (5) (b) 3. of the statutes is created to read:

48.43 (5) (b) 3. The court shall give a foster parent, treatment foster parent, ~~preadoptive parent,~~ operator of a facility, or relative who is notified of a hearing under subd. 1. a right to be heard at the hearing by permitting the foster parent, treatment foster parent, ~~preadoptive parent,~~ operator, or relative to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issues to be determined at the hearing. The foster parent, treatment foster parent, ~~preadoptive parent,~~ operator of a facility, or relative does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and right to be heard.

Insert 33-16

SECTION 56. 48.43 (5m) of the statutes is amended to read: strike comma

48.43 **(5m)** Either the court or the agency that prepared the permanency plan shall furnish a copy of the original plan and each revised plan to the child, if he or she is 12 years of age or over, and to the child's foster parent~~, the child's~~ or treatment foster parent stays ~~or, or preadoptive parent,~~ the operator of the facility in which the child is living, or the relative with whom the child is living.

Insert 33-16

SECTION 57. 48.63 (5) (d) 4. of the statutes is amended to read:

48.63 **(5)** (d) 4. Not less than 10 days before the review, the agency that placed the child or that arranged the placement of the child shall provide a copy of the revised permanency plan or plans and the request for review submitted under subd. 3. and notice of the time and place of the review to the child, the parent, guardian, and legal custodian of the child, and the operator of the group home in which the child is placed, together with notice of the issues to be determined as part of the permanency plan review and notice of the fact that those persons ~~may have the opportunity~~ shall have a right to be heard at the review by submitting written

Insert 34-2 A

comments to that agency or the independent reviewing agency before the review or by participating at the review.

SECTION 58. 48.999 of the statutes is created to read:

Insert 34-2 B

48.999 Expediting interstate placements of children. The courts of this state shall do all of the following to expedite the interstate placement of children:

(1) Subject to ss. 48.396 (2) and 938.396 (2), cooperate with the courts of other states in the sharing of information.

(2) To the greatest extent possible, obtain information and testimony from agencies and parties located in other states without requiring interstate travel by those agencies and parties.

(3) Permit parents, children, other necessary parties, attorneys, and guardians ad litem in proceedings involving the interstate placement of a child to participate in those proceedings without requiring interstate travel by those persons.

SECTION 59. 146.0255 (2) of the statutes is amended to read:

146.0255 **(2)** TESTING. Any hospital employee who provides health care, social worker, or intake worker under ch. 48 may refer an infant or an expectant mother of an unborn child, as defined in s. 48.02 (19), to a physician for testing of the bodily fluids of the infant or expectant mother for controlled substances or controlled substance analogs if the hospital employee who provides health care, social worker, or intake worker suspects that the infant or expectant mother has controlled substances or controlled substance analogs in the bodily fluids of the infant or expectant mother because of the use of controlled substances or controlled substance analogs by the mother while she was pregnant with the infant or by the expectant mother while she is pregnant with the unborn child. The physician may test the infant or expectant mother to ascertain whether or not the infant or expectant

mother has controlled substances or controlled substance analogs in the bodily fluids of the infant or expectant mother, if the physician determines that there is a serious risk that there are controlled substances or controlled substance analogs in the bodily fluids of the infant or expectant mother because of the use of controlled substances or controlled substance analogs by the mother while she was pregnant with the infant or by the expectant mother while she is pregnant with the unborn child and that the health of the infant, the unborn child or the child when born may be adversely affected by the controlled substances or controlled substance analogs. If the results of the test indicate that the infant does have controlled substances or controlled substance analogs in the infant's bodily fluids, the physician shall ~~make a report~~ report the occurrence of that condition in the infant to the agency, as defined in s. 48.981 (1) (ag), that is responsible for conducting child abuse and neglect investigations under s. 48.981, and that agency shall offer to provide, or arrange or refer for the provision of, services and treatment for the child and the child's mother as provided under s. 46.238. If the results of the test indicate that the expectant mother does have controlled substances or controlled substance analogs in the expectant mother's bodily fluids, the physician may ~~make a report~~ report the occurrence of that condition in the expectant mother to the agency, as defined in s. 48.981 (1) (ag), that is responsible for conducting unborn child abuse investigations under s. 48.981, and that agency shall offer to provide, or arrange or refer for the provision of, services and treatment for the unborn child and expectant mother as provided under s. 46.238. Under this subsection, no physician may test an expectant mother without first receiving her informed consent to the testing.

SECTION 60. 146.0255 (3) (b) of the statutes is amended to read:

146.0255 **(3)** (b) A statement of explanation that the test results of an infant must, and that the test results of an expectant mother may, be disclosed to ~~a county department under s. 46.22 or 46.23 or, in a county having a population of 500,000 or more, to the county department under s. 51.42 or 51.437 in accordance with s. 46.238~~ an agency under sub. (2) if the test results are positive.

SECTION 61. 757.69 (1) (g) 14. of the statutes is created to read:

757.69 **(1)** (g) 14. Conduct permanency plan reviews under s. 48.38 (5) or 938.38 (5) and permanency plan hearings under s. 48.38 (5m) or 938.38 (5m).

Ins 36-8

SECTION 62. 767.41 (3) (c) of the statutes is amended to read:

767.41 **(3)** (c) The court shall hold a hearing to review the permanency plan within 30 days after receiving a report under par. (b). At least 10 days before the date of the hearing, the court shall provide notice of the time, ~~date~~ place, and purpose of the hearing to the agency that prepared the report~~,~~; the child; the child's parents, ~~the child, if he or she is 12 years of age or over, and~~ guardian, and legal custodian; and the child's foster parent, or treatment foster parent, ~~or preadoptive parent~~ the operator of the facility in which the child is living, or the relative with whom the child is living.

strike comma strike scored comma

SECTION 63. ~~938.02 (14j) of the statutes is created to read:~~

938.02 **(14j)** "Preadoptive parent" means a foster parent, treatment foster parent, relative, or other person with whom a juvenile is placed under s. 48.833, 48.835, or 48.837 following a termination of parental rights to the juvenile.

SECTION 64. 938.21 (5) ~~(b)~~ 1. d. of the statutes, as created by 2007 Wisconsin Act 20, is amended to read:

938.21 **(5)** (b) 1. d. ~~If the juvenile is under the supervision of the county department, an~~ An order ordering the juvenile into the placement and care ~~responsibility of the county department as required~~ under 42 USC 672 (a) (2) and

assigning the ~~county department primary~~ responsibility ~~for providing~~ services to the ~~juvenile~~.

Insert 37-2

SECTION 65. 938.21 (5) (d) 1. of the statutes is renumbered 938.21 (5) (d) and amended to read:

938.21 **(5)** (d) If the court finds that any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold a hearing under s. 938.38 (4m) within 30 days after the date of that finding to determine the permanency plan for the juvenile. ~~If a hearing is held under this subdivision, the agency responsible for preparing the permanency plan shall file the permanency plan with the court not less than 5 days before the date of the hearing.~~

SECTION 66. 938.21 (5) (d) 2. of the statutes is repealed.

SECTION 67. 938.21 (5) (d) 3. of the statutes is repealed.

as affected by 2009 Wisconsin Act 28

<use 2x>

~~**SECTION 68.** 938.27 (3) (a) 1. of the statutes is amended to read:~~

938.27 **(3)** (a) 1. The court shall notify, under s. 938.273, the juvenile, any parent, guardian, and legal custodian of the juvenile, any foster parent, treatment foster parent, preadoptive parent, or other physical custodian described in s. 48.62 (2) of the juvenile, and any person specified in par. (b), if applicable, of all hearings involving the juvenile under this subchapter, except hearings on motions for which notice must be provided only to the juvenile and his or her counsel. If parents entitled to notice have the same place of residence, notice to one constitutes notice to the other. The first notice to any interested party, foster parent, treatment foster parent, preadoptive parent, or other physical custodian described in s. 48.62 (2) shall be in writing and may have a copy of the petition attached to it. Notices of subsequent hearings ~~may be given by telephone at least 72 hours before the~~ time of the hearing.

Insert 38-2

~~The person giving telephone notice shall place in the case file a signed statement of the date and time notice was given and the person to whom he or she spoke.~~

Insert 38-2

SECTION 69. 938.27 (3) (a) 1m. of the statutes is amended to read:

938.27 **(3)** (a) 1m. The court shall give a foster parent, treatment foster parent, ~~preadoptive parent~~ or other physical custodian described in s. 48.62 (2) who is notified of a hearing under subd. 1. ~~an opportunity~~ a right to be heard at the hearing by permitting the foster parent, treatment foster parent, ~~preadoptive parent~~ or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issues to be determined at the hearing. A foster parent, treatment foster parent, ~~preadoptive parent~~ or other physical custodian described in s. 48.62 (2) who receives a notice of a hearing under subd. 1. and ~~an opportunity~~ a right to be heard under this subdivision does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and ~~opportunity~~ right to be heard.

~~**SECTION 70.** 938.27 (3) (a) 2. of the statutes is amended to read:~~

~~938.27 **(3)** (a) 2. Failure to give notice under subd. 1. to a foster parent, treatment foster parent, preadoptive parent, or other physical custodian described in s. 48.62 (2) does not deprive the court of jurisdiction in the action or proceeding. If a foster parent, treatment foster parent, preadoptive parent, or other physical custodian described in s. 48.62 (2) is not given notice of a hearing under subd. 1., that person may request a rehearing on the matter during the pendency of an order resulting from the hearing. If the request is made, the court shall order a rehearing.~~

Insert 38-22

SECTION 71. 938.27 (6) of the statutes is amended to read:

938.27 **(6)** INTERSTATE COMPACT PROCEEDINGS; NOTICE AND SUMMONS. When a proceeding is initiated under s. 938.14, all interested parties shall receive notice and

appropriate summons shall be issued in a manner specified by the court. If the juvenile who is the subject of the proceeding is in the care of a foster parent, treatment foster parent, ~~preadoptive parent~~ or other physical custodian described in s. 48.62 (2), the court shall give the foster parent, treatment foster parent, ~~preadoptive parent~~ or other physical custodian notice and ~~an opportunity~~ a right to be heard as provided in sub. (3) (a).

~~**SECTION 72.** 938.299 (1) (ag) of the statutes is amended to read:~~

938.299 **(1)** (ag) If a public hearing is not held, in addition to persons permitted to attend under par. (a), the juvenile's foster parent, treatment foster parent, preadoptive parent, or other physical custodian described in s. 48.62 (2) may be present, except that the court may exclude a foster parent, treatment foster parent, preadoptive parent, or other physical custodian described in s. 48.62 (2) from any portion of the hearing if that portion of the hearing deals with sensitive personal information of the juvenile or the juvenile's family or if the court determines that excluding the foster parent, treatment foster parent, preadoptive parent, or other ~~physical custodian would be in the best interests of the juvenile~~.

SECTION 73. 938.32 (1) (c) 1. d. of the statutes, as created by 2007 Wisconsin Act 20, is amended to read:

938.32 **(1)** (c) 1. d. ~~If the juvenile's placement or other living arrangement is under the supervision of the county department, an~~ An order ordering the juvenile into the placement and care responsibility of the county department as required under 42 USC 672 (a) (2) and assigning the county department primary responsibility for providing services to the juvenile.

SECTION 74. 938.32 (1) (d) of the statutes is repealed.

~~SECTION 75. 938.355 (2) (b) 6g. of the statutes, as created by 2007 Wisconsin Act 20, is amended to read:~~

~~938.355 (2) (b) 6g. If the juvenile is placed outside the home under the supervision of the county department, an order ordering the juvenile into the placement and care responsibility of the county department as required under 42 USC 672 (a) (2) and assigning the county department primary responsibility for providing services to the juvenile.~~

Insert 40-7

SECTION 76. 938.355 (2b) of the statutes is amended to read:

938.355 **(2b)** CONCURRENT REASONABLE EFFORTS PERMITTED. A county department or the agency primarily responsible for providing services to a juvenile under a court order may, at the same time as the county department or agency is making the reasonable efforts required under sub. (2) (b) 6. to prevent the removal of the juvenile from the home or to make it possible for the juvenile to return safely to his or her home, work with the department of health and family services, a county department under s. 48.57 (1) (e) or (hm), or a child welfare agency licensed under s. 48.61 (5) in making reasonable efforts to place the juvenile for adoption, with a guardian, with a fit and willing relative, or in some other alternative permanent placement. Those efforts to place the juvenile for adoption, with a guardian, with a fit and willing relative, or in some other alternative permanent placement shall include efforts to place the juvenile in a safe and appropriate placement outside this state if the county department or agency determines that such a placement would be in the best interests of the juvenile and appropriate to achieving the goals of the juvenile's permanency plan.

PLAIN children and families

SECTION 77. 938.355 (2d) (c) 1. of the statutes is renumbered 938.355 (2d) (c) and amended to read:

Insert 40-23

938.355 **(2d)** (c) If the court finds that any of the circumstances under par. (b) 1. to 4. applies with respect to a parent, the court shall hold a hearing under s. 938.38 (4m) within 30 days after the date of that finding to determine the permanency plan for the juvenile. ~~If a hearing is held under this subdivision, the agency responsible for preparing the permanency plan shall file the permanency plan with the court not less than 5 days before the date of the hearing.~~

SECTION 78. 938.355 (2d) (c) 2. of the statutes, as affected by 2009 Wisconsin Act 28, is repealed.

SECTION 79. 938.355 (2d) (c) 3. of the statutes, as affected by 2009 Wisconsin Act 28, is repealed.

<use 2x>

SECTION 80. ~~938.355 (6) (d) 1. of the statutes, as affected by 2007 Wisconsin Act~~ 20, is amended to read:

938.355 **(6)** (d) 1. Placement of the juvenile in a secure detention facility or juvenile portion of a county jail that meets the standards promulgated by the department by rule or in a place of nonsecure custody, for not more than 10 days and the provision of educational services consistent with his or her current course of study during the period of placement. The juvenile shall be given credit against the period of detention or nonsecure custody imposed under this subdivision for all time spent in secure detention in connection with the course of conduct for which the detention or nonsecure custody was imposed. If the court orders placement of the juvenile in a place of nonsecure custody ~~under the supervision of the county department~~, the court shall order the juvenile into the placement and care responsibility of the county department as required under 42 USC 672 (a) (2) and shall assign the county department primary responsibility for providing services to the juvenile.

SECTION 81. 938.355 (6m) (a) 1g. of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

938.355 **(6m)** (a) 1g. Placement of the juvenile in a secure detention facility or juvenile portion of a county jail that meets the standards promulgated by the department by rule or in a place of nonsecure custody, for not more than 10 days and the provision of educational services consistent with his or her current course of study during the period of placement. The juvenile shall be given credit against the period of detention or nonsecure custody imposed under this subdivision for all time spent in secure detention in connection with the course of conduct for which the detention or nonsecure custody was imposed. The use of placement in a secure detention facility or in a juvenile portion of a county jail as a sanction under this subdivision is subject to the adoption of a resolution by the county board of supervisors under s. 938.06 (5) authorizing the use of those placements as a sanction. If the court orders placement of the juvenile in a place of nonsecure custody ~~under the supervision of the county department~~, the court shall order the juvenile into the placement and care responsibility of the county department as required under 42 USC 672 (a) (2) and shall assign the county department primary responsibility for providing services to the juvenile.

SECTION 82. 938.357 (1) (am) 1. of the statutes is amended to read:

938.357 **(1)** (am) 1. If the proposed change in placement involves any change in placement other than a change in placement under par. (c), the person or agency primarily responsible for implementing the dispositional order or the district attorney shall cause written notice of the proposed change in placement to be sent to the juvenile, the parent, guardian, and legal custodian of the juvenile, and any foster parent, treatment foster parent, <u>preadoptive parent,</u> or other physical custodian described in s. 48.62 (2) of the juvenile. The notice shall contain the name and address of the new placement, the reasons for the change in placement, a

statement describing why the new placement is preferable to the present placement, and a statement of how the new placement satisfies objectives of the treatment plan ordered by the court.

SECTION 83. 938.357 (1) (am) 2. of the statutes is amended to read:

938.357 **(1)** (am) 2. Any person ~~receiving the~~ who is sent a notice under subd. 1. or a notice of a specific foster or treatment foster placement under s. 938.355 (2) (b) 2. may obtain a hearing on the matter by filing an objection with the court within 10 days after ~~receipt of~~ the notice is sent. Placements may not be changed until 10 days after ~~that~~ the notice is sent to the persons specified in subd. 1. and to the court unless the parent, guardian, or legal custodian and the juvenile, if 12 or more years of age, sign written waivers of objection, except that changes in placement that were authorized in the dispositional order may be made immediately if notice is given as required under subd. 1. In addition, a hearing is not required for placement changes authorized in the dispositional order except when an objection filed by a person who ~~received~~ is sent notice alleges that new information is available that affects the advisability of the court's dispositional order.

SECTION 84. 938.357 (1) (am) 2m. of the statutes is created to read:

938.357 **(1)** (am) 2m. Regardless of whether a hearing is held under subd. 2., a court order is required for any change in placement under this paragraph other than a change in placement that is authorized in the dispositional order and to which no objection is filed. In a case in which no objection is filed in response to a notice under subd. 1. or a notice of a specific placement under s. 938.355 (2) (b) 2., the juvenile's placement may be changed 10 days after the notice is sent to the persons specified in subd. 1. and to the court, and the court may satisfy the requirement of

this subdivision by issuing an order approving the change in placement after the change in placement is made.

SECTION 85. 938.357 (2m) (b) of the statutes is amended to read:

938.357 **(2m)** (b) *Hearing; when required.* The court shall hold a hearing prior to ordering any change in placement requested or proposed under par. (a) if the request states that new information is available that affects the advisability of the current placement. A hearing is not required if the requested or proposed change in placement does not involve a change in placement of a juvenile placed in the home to a placement outside the home, written waivers of objection to the proposed change in placement are signed by all parties entitled to receive notice under sub. (1) (am) 1., and the court approves. If a hearing is scheduled, the court shall notify the juvenile, the parent, guardian, and legal custodian of the juvenile, any foster parent, treatment foster parent, preadoptive parent, or other physical custodian described in s. 48.62 (2) of the juvenile, and all parties who are bound by the dispositional order at least 3 days prior to the hearing. A copy of the request or proposal for the change in placement shall be attached to the notice. If all ~~of the parties consent, the court~~ may proceed immediately with the hearing.

SECTION 86. 938.357 (2r) of the statutes is amended to read:

938.357 **(2r)** REMOVAL FROM FOSTER HOME OR PHYSICAL CUSTODIAN. If a hearing is held under sub. (1) (am) 2. or (2m) (b) and the change in placement would remove a juvenile from a foster home, treatment foster home, ~~the home of a preadoptive parent,~~ or other placement with a physical custodian described in s. 48.62 (2), the court shall give the foster parent, treatment foster parent, ~~preadoptive parent,~~ or other physical custodian ~~an opportunity~~ a right to be heard at the hearing by permitting the foster parent, treatment foster parent, ~~preadoptive parent,~~ or other

stays

physical custodian to make a written or oral statement during the hearing or to submit a written statement prior to the hearing relating to the juvenile and the requested change in placement. A foster parent, treatment foster parent, ~~preadoptive parent,~~ or other physical custodian who receives notice of a hearing under sub. (1) (am) 1. or (2m) (b) and ~~an opportunity~~ a right to be heard under this subsection does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and ~~opportunity~~ right to be heard.

SECTION 87. 938.357 (2v) (a) 1m. of the statutes, as created by 2007 Wisconsin Act 20, is amended to read:

938.357 **(2v)** (a) 1m. If the change in placement order changes the placement of a juvenile ~~who is under the supervision of the county department~~ to a placement outside the juvenile's home, whether from a placement in the home or from another placement outside the home, an order ordering the juvenile into, or to be continued in, the placement and care responsibility of the county department as required under 42 USC 672 (a) (2) and assigning the county department primary ~~responsibility, or continued primary responsibility, for providing services to the juvenile.~~

Insert 45-16

SECTION 88. 938.357 (2v) (c) 1. of the statutes is renumbered 938.357 (2v) (c) and amended to read:

938.357 **(2v)** (c) If the court finds under par. (a) 3. that any of the circumstances under s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold a hearing under s. 938.38 (4m) within 30 days after the date of that finding to determine the permanency plan for the juvenile. ~~If a hearing is held under this paragraph, the agency responsible for preparing the permanency plan shall file the permanency plan with the court at least 5 days before the date of the hearing.~~

SECTION 89. 938.357 (2v) (c) 2. of the statutes is repealed as affected by 2009 Wisconsin Act 28

Insert 46-1

SECTION 90. 938.357 (2v) (c) 3. of the statutes as affected by 2009 Wisconsin Act 28 is repealed.

SECTION 91. 938.363 (1) (b) of the statutes is amended to read:

938.363 **(1)** (b) If a hearing is held, at least 3 days prior to the hearing the court shall notify the juvenile, the juvenile's parent, guardian, and legal custodian, all parties bound by the dispositional order, the juvenile's foster parent, treatment foster parent, ~~preadoptive parent,~~ or other physical custodian described in s. 48.62 (2), and the district attorney or corporation counsel in the county in which the dispositional order was entered ~~at least 3 days prior to the hearing~~. A copy of the request or proposal shall be attached to the notice. If all parties consent, the court may proceed immediately with the hearing. No revision may extend the effective period of the original order, or revise an original order under s. 938.34 (3) (f) or (6) (am) to impose more than a total of 30 days of detention, nonsecure custody, or inpatient treatment on a juvenile.

Insert 46-13

SECTION 92. 938.363 (1m) of the statutes is amended to read:

938.363 **(1m)** EVIDENCE AND STATEMENTS. If a hearing is held under sub. (1) (a), any party may present evidence relevant to the issue of revision of the dispositional order. In addition, the court shall give a foster parent, treatment foster parent, ~~preadoptive parent,~~ or other physical custodian described in s. 48.62 (2) of the juvenile ~~an opportunity~~ a right to be heard at the hearing by permitting the foster parent, treatment foster parent, ~~preadoptive parent,~~ or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issue of revision. A foster parent, treatment foster parent, ~~preadoptive parent,~~ or other physical custodian who receives notice of a hearing under sub. (1) (a) and ~~an opportunity~~ a right to be heard

Insert 47-2

under this subsection does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and ~~opportunity~~ right to be heard.

SECTION 93. 938.365 (2) of the statutes is amended to read:

938.365 **(2)** NOTICE. No order may be extended without a hearing. The court shall notify the juvenile ~~or the juvenile's guardian ad litem or counsel~~, the juvenile's parent, guardian, legal custodian, all ~~of the~~ parties present at the original hearing, the juvenile's foster parent, treatment foster parent ~~preadoptive parent~~ stays or other physical custodian described in s. 48.62 (2), and the district attorney or corporation counsel in the county in which the dispositional order was entered of the time and place of the hearing.

Insert 47-10

SECTION 94. 938.365 (2m) (ad) 1. of the statutes is renumbered 938.365 (2m) (ad) and amended to read:

938.365 **(2m)** (ad) If the court finds that any of the circumstances under s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold a hearing under s. 938.38 (4m) within 30 days after the date of that finding to determine the permanency plan for the juvenile. ~~If a hearing is held under this subdivision, the agency responsible for preparing the permanency plan shall file the permanency plan with the court not less than 5 days before the date of the hearing.~~

SECTION 95. 938.365 (2m) (ad) 2. of the statutes is repealed.

as affected by 2009 Wisconsin Act 28

SECTION 96. 938.365 (2m) (ag) of the statutes is amended to read:

938.365 **(2m)** (ag) The court shall give a foster parent, treatment foster parent, ~~preadoptive parent~~ or other physical custodian described in s. 48.62 (2) who is notified of a hearing under ~~par. (ad) 2. or~~ sub. (2) ~~an opportunity~~ a right to be heard at the hearing by permitting the foster parent, treatment foster parent, ~~preadoptive parent~~ or other physical custodian to make a written or oral statement during the

hearing, or to submit a written statement prior to the hearing, relevant to the issue of extension. A foster parent, treatment foster parent, ~~preadoptive parent~~, or other physical custodian who receives notice of a hearing under ~~par. (ad) 2. or~~ sub. (2) and ~~an opportunity~~ a right to be heard under this paragraph does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and ~~opportunity~~ right to be heard.

~~**SECTION 97.** 938.38 (2) (intro.) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:~~

~~938.38 **(2)** PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3), for each juvenile living in a foster home, treatment foster home, group home, residential care center for children and youth, juvenile detention facility, or shelter care facility or in the home of a preadoptive parent, the agency that placed the juvenile or arranged the placement or the agency assigned primary responsibility for providing services to the juvenile under s. 938.355 (2) (b) 6g. shall prepare a written permanency plan, if any of the following conditions exists, and, for each juvenile living in the home of a relative other than a parent, that agency shall prepare a written permanency plan, if any of the conditions under pars. (a) to (e) exists:~~

Insert 4817

SECTION 98. 938.38 (3) (intro.) of the statutes is amended to read:

938.38 **(3)** TIME. (intro.) Subject to ~~s. 938.355 (2d) (c) 1.~~ sub. (4m) (a), the agency shall file the permanency plan with the court within 60 days after the date on which the juvenile was first removed from his or her home, except under either of the following conditions:

~~**SECTION 99.** 938.38 (4) (f) (intro.) of the statutes is amended to read:~~

~~938.38 **(4)** (f) (intro.) A description of the services that will be provided to the juvenile, the juvenile's family, and the juvenile's foster parent, the juvenile's~~

1 treatment foster parent, the juvenile's preadoptive parent, the operator of the facility
2 where in which the juvenile is living, or the relative with whom the juvenile is living
3 to carry out the dispositional order, including services planned to accomplish all of
4 the following:

Ins 49-4

5 **SECTION 100.** 938.38 (4) (fm) of the statutes is amended to read:

6 938.38 **(4)** (fm) If the goal of the permanency plan is to place the juvenile for
7 adoption, with a guardian, with a fit and willing relative, or in some other alternative
8 permanent placement, the efforts made to achieve that goal. Those efforts shall
9 include efforts to place the juvenile in a safe and appropriate placement outside this
10 state if the agency determines that such a placement would be in the best interests
11 of the juvenile and appropriate to achieving the goal of the juvenile's permanency
12 plan. If the agency determines not to place the juvenile in an available placement
13 outside this state, the permanency plan shall include a statement as to why that
14 placement is not in the best interests of the juvenile or not appropriate to achieving
15 the goal of the juvenile's permanency plan. If the juvenile is placed in a placement
16 outside this state, the permanency plan shall include a statement as to whether that
17 placement continues to be in the best interests of the juvenile and appropriate to
18 achieving the goal of the juvenile's permanency plan.

19 **SECTION 101.** 938.38 (4) (h) (intro.) of the statutes is amended to read:

20 938.38 **(4)** (h) (intro.) If the juvenile is 15 years of age or older, a description of
21 an independent living plan describing the programs and services that are or will be
22 provided to assist the juvenile in preparing for the transition from out–of–home care
23 to independent living. The description plan shall include all of the following:

24 **SECTION 102.** 938.38 (4) (i) of the statutes is created to read:

938.38 **(4)** (i) A statement as to whether the juvenile's age and developmental level are sufficient for the court to consult with the juvenile at the permanency plan determination hearing under sub. (4m) (c) or at the permanency plan hearing under sub. (5m) (c) 2. or for the court or panel to consult with the juvenile at the permanency plan review under sub. (5) (bm) 2. and, if a decision is made that it would not be age appropriate or developmentally appropriate for the court to consult with the juvenile, a statement as to why consultation with the juvenile would not be appropriate.

SECTION 103. 938.38 (4m) of the statutes is created to read:

938.38 **(4m)** REASONABLE EFFORTS NOT REQUIRED; PERMANENCY PLAN DETERMINATION HEARING. (a) If in a proceeding under s. 938.21, 938.355, 938.357, or 938.365 the court finds that any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold a hearing within 30 days after the date of that finding to determine the permanency plan for the juvenile. If a hearing is held under this paragraph, the agency responsible for preparing the permanency plan shall file the permanency plan with the court not less than 5 days before the date of the hearing. At the hearing, the court shall consider placing the juvenile in a placement outside this state if the court determines that such a placement would be in the best interests of the juvenile and appropriate to achieving the goal of the juvenile's permanency plan.

(b) At least 10 days before the date of the hearing the court shall notify the juvenile; the juvenile's parent, guardian, and legal custodian; and the juvenile's foster parent, treatment foster parent, or preadoptive parent, the operator of the facility in which the juvenile is living, or the relative with whom the juvenile is living

of the time, place, and purpose of the hearing, of the issues to be determined at the hearing, and of the fact that they shall have a right to be heard at the hearing.

(c) If the juvenile's permanency plan includes an independent living plan under sub. (4) (h) or a statement under sub. (4) (i) indicating that the juvenile's age and developmental level are sufficient for the court to consult with the juvenile regarding the juvenile's permanency plan or if, notwithstanding a decision under sub. (4) (i) that it would not be appropriate for the court to consult with the juvenile, the court determines that consultation with the juvenile would be in the best interests of the juvenile, the court shall consult with the juvenile, in an age–appropriate and developmentally appropriate manner, regarding the juvenile's permanency plan and any other matters the court finds appropriate by permitting the juvenile, the juvenile's caseworker, the juvenile's counsel, or, subject to s. 938.235 (3) (a), the juvenile's guardian ad litem to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, expressing the juvenile's wishes, goals, and concerns regarding the permanency plan and those matters. A caseworker, counsel, or guardian ad litem who makes or submits a statement under this paragraph shall advise the court that the statement represents the wishes, goals, and concerns, but not necessarily the best interests, of the juvenile.

(d) The court shall give a foster parent, treatment foster parent, ~~preadoptive parent,~~ operator of a facility, or relative who is notified of a hearing under par. (b) a right to be heard at the hearing by permitting the foster parent, treatment foster parent, ~~preadoptive parent,~~ operator, or relative to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issues to be determined at the hearing. The foster parent, treatment foster parent, ~~preadoptive parent,~~ operator of a facility, or relative does not become a party

Insert 52-2

to the proceeding on which the hearing is held solely on the basis of receiving that notice and right to be heard.

SECTION 104. 938.38 (5) (b) of the statutes is amended to read:

938.38 **(5)** (b) The court or the agency shall notify ~~the parents of~~ the juvenile~~,~~ ~~the juvenile, if he or she is 10 years of age or older, and~~; the juvenile's parent, guardian, and legal custodian; and the juvenile's foster parent~~, the juvenile's~~ strike comma or score treatment foster parent, ~~or preadoptive parent,~~ the operator of the facility in which the juvenile is living, or the relative with whom the juvenile is living of the ~~date,~~ time, ~~and~~ place, and purpose of the review, of the issues to be determined as part of the review, and of the fact that they ~~may have an opportunity~~ shall have a right to be heard at the review ~~by submitting written comments not less than 10 working days before the review or by participating at the review~~ as provided in par. (bm) 1. The court or agency shall notify the person representing the interests of the public, the juvenile's counsel, and the juvenile's guardian ad litem of the ~~date~~ time, place, and purpose of the review, of the issues to be determined as part of the review, and of the fact that they may ~~submit written comments not less than 10 working days before the review~~ have an opportunity to be heard at the review as provided in par. (bm) 1. The notices under this paragraph shall be provided in writing not less than 30 days before the review and copies of the notices shall be filed in the juvenile's case record.

Insert 52-19

SECTION 105. 938.38 (5) (bm) of the statutes is created to read:

938.38 **(5)** (bm) 1. A juvenile, parent, guardian, legal custodian, foster parent, treatment foster parent, ~~preadoptive parent,~~ operator of a facility, or relative who is provided notice of the review under par. (b) shall have a right to be heard at the review by submitting written comments relevant to the determinations specified in par. (c) not less than 10 working days before the date of the review or by participating

at the review. A person representing the interests of the public, counsel, or guardian ad litem who is provided notice of the review under par. (b) may have an opportunity to be heard at the review by submitting written comments relevant to the determinations specified in par. (c) not less than 10 working days before the date of the review. A foster parent, treatment foster parent, ~~preadoptive parent,~~ operator of a facility, or relative who receives notice of a hearing under par. (b) and a right to be heard under this subdivision does not become a party to the proceeding on which the review is held solely on the basis of receiving that notice and right to be heard.

2. If the juvenile's permanency plan includes an independent living plan under sub. (4) (h) or a statement under sub. (4) (i) indicating that the juvenile's age and developmental level are sufficient for the court or panel to consult with the juvenile regarding the juvenile's permanency plan or if, notwithstanding a decision under sub. (4) (i) that it would not be appropriate for the court or panel to consult with the juvenile, the court or panel determines that consultation with the juvenile would be in the best interests of the juvenile, the court or panel shall consult with the juvenile, in an age–appropriate and developmentally appropriate manner, regarding the juvenile's permanency plan and any other matters the court or panel finds appropriate by permitting the juvenile, the juvenile's caseworker, the juvenile's counsel, or, subject to s. 938.235 (3) (a), the juvenile's guardian ad litem to make a written or oral statement during the review, or to submit a written statement prior to the review, expressing the juvenile's wishes, goals, and concerns regarding the permanency plan and those matters. A caseworker, counsel, or guardian ad litem who makes or submits a statement under this subdivision shall advise the court or panel that the statement represents the wishes, goals, and concerns, but not necessarily the best interests, of the juvenile.

Insert 53-25

SECTION 106. 938.38 (5) (c) 7. of the statutes is amended to read:

938.38 **(5)** (c) 7. Whether reasonable efforts were made by the agency to achieve the goal of the permanency plan, unless return of the juvenile to the home is the goal of the permanency plan and any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies. If the goal of the permanency plan is to place the juvenile for adoption, with a guardian, with a fit and willing relative, or in some other alternative permanent placement, the reasonable efforts determination under this subdivision shall include a determination as to whether reasonable efforts were made by the agency to place the juvenile in a safe and appropriate placement outside this state that is in the best interests of the juvenile and appropriate to achieving the goal of the juvenile's permanency plan. If the juvenile is placed in a placement outside this state, that determination shall include a determination as to whether that placement continues to be in the best interests of the juvenile and appropriate to achieving the goal of the juvenile' s permanency plan.

[Insert 54-14]

SECTION 107. 938.38 (5) (d) of the statutes is amended to read:

938.38 **(5)** (d) Notwithstanding s. 938.78 (2) (a), the agency that prepared the permanency plan shall, at least 5 days before a review by a review panel, provide to each person appointed to the review panel, the person representing the interests of the public, the juvenile's counsel, and the juvenile's guardian ad litem a copy of the permanency plan and any written comments submitted under par. ~~(b)~~ (bm) 1. Notwithstanding s. 938.78 (2) (a), a person appointed to a review panel, the person representing the interests of the public, the juvenile's counsel, and the juvenile's guardian ad litem may have access to any other records concerning the juvenile for the purpose of participating in the review. A person permitted access to a juvenile's

records under this paragraph may not disclose any information from the records to any other person.

SECTION 108. 938.38 (5) (e) of the statutes is amended to read:

938.38 **(5)** (e) Within 30 days, the agency shall prepare a written summary of the determinations under par. (c) and shall provide a copy to the court that entered the order, the juvenile or the juvenile's counsel or guardian ad litem, the person representing the interests of the public, the juvenile's parent ~~or~~, guardian, and legal custodian, and the juvenile's foster parent, ~~the juvenile's~~ or treatment foster parent ~~or~~ or ~~preadoptive parent~~ the operator of the facility ~~where~~ in which the juvenile is living, or the relative with whom the juvenile is living.

SECTION 109. 938.38 (5m) (b) of the statutes is amended to read:

938.38 **(5m)** (b) Not less than 30 days before the date of the hearing, the court shall notify the juvenile; the juvenile's parent, guardian, and legal custodian; and the juvenile's foster parent ~~or~~ or treatment foster parent, ~~or preadoptive parent~~, the operator of the facility in which the juvenile is living, or the relative with whom the juvenile is living~~;~~ of the time, place, and purpose of the hearing, of the issues to be determined at the hearing, and of the fact that they shall have a right to be heard at the hearing as provided in par. (c) 1. and shall notify the juvenile's counsel, and the juvenile's guardian ad litem; the agency that prepared the permanency plan; and the person representing the interests of the public of the ~~date,~~ time, ~~and~~ place, and purpose of the hearing, of the issues to be determined at the hearing, and of the fact that they may have an opportunity to be heard at the hearing as provided in par. (c) 1.

SECTION 110. 938.38 (5m) (c) of the statutes is renumbered 938.38 (5m) (c) 1. and amended to read:

938.38 **(5m)** (c) 1. ~~Any person~~ A juvenile, parent, guardian, legal custodian, foster parent, treatment foster parent, ~~preadoptive parent~~ operator of a facility, or relative who is provided notice of the hearing ~~may have an opportunity~~ under par. (b) shall have a right to be heard at the hearing by submitting written comments relevant to the determinations specified in sub. (5) (c) not less than 10 working days before the date of the hearing or by participating at the hearing. A counsel, guardian ad litem, agency, or person representing the interests of the public who is provided notice of the hearing under par. (b) may have an opportunity to be heard at the hearing by submitting written comments relevant to the determinations specified in sub. (5) (c) not less than 10 working days before the date of the hearing or by participating at the hearing. A foster parent, treatment foster parent, ~~preadoptive parent~~ operator of a facility ~~in which a juvenile is living~~, or relative ~~with whom a juvenile is living~~ who receives notice of a hearing under par. (b) and ~~an opportunity~~ a right to be heard under this ~~paragraph~~ subdivision does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and ~~opportunity~~ right to be heard.

SECTION 111. 938.38 (5m) (c) 2. of the statutes is created to read:

938.38 **(5m)** (c) 2. If the juvenile's permanency plan includes an independent living plan under sub. (4) (h) or a statement under sub. (4) (i) indicating that the juvenile's age and developmental level are sufficient for the court to consult with the juvenile regarding the juvenile's permanency plan or if, notwithstanding a decision under sub. (4) (i) that it would not be appropriate for the court to consult with the juvenile, the court determines that consultation with the juvenile would be in the best interests of the juvenile, the court shall consult with the juvenile, in an age–appropriate and developmentally appropriate manner, regarding the juvenile's

1 permanency plan and any other matters the court finds appropriate by permitting
2 the juvenile, the juvenile's caseworker, the juvenile's counsel, or, subject to s. 938.235
3 (3) (a), the juvenile's guardian ad litem to make a written or oral statement during
4 the hearing, or to submit a written statement prior to the hearing, expressing the
5 juvenile's wishes, goals, and concerns regarding the permanency plan and those
6 matters. A caseworker, counsel, or guardian ad litem who makes or submits a
7 statement under this subdivision shall advise the court that the statement
8 represents the wishes, goals, and concerns, but not necessarily the best interests, of
9 the juvenile.

10 **SECTION 112.** 938.38 (5m) (d) of the statutes is amended to read:

11 938.38 **(5m)** (d) At least 5 days before the date of the hearing the agency that
12 prepared the permanency plan shall provide a copy of the permanency plan and any
13 written comments submitted under par. (c) 1. to the court, to the juvenile's parent,
14 guardian, and legal custodian, to the person representing the interests of the public,
15 and to the juvenile's counsel or guardian ad litem. Notwithstanding s. 938.78 (2) (a),
16 the person representing the interests of the public and the juvenile's counsel or
17 guardian ad litem may have access to any other records concerning the juvenile for
18 the purpose of participating in the review. A person permitted access to a juvenile's
19 records under this paragraph may not disclose any information from the records to
20 any other person.

21 **SECTION 113.** 938.38 (5m) (e) of the statutes is amended to read:

22 938.38 **(5m)** (e) After the hearing, the court shall make written findings of fact
23 and conclusions of law relating to the determinations under sub. (5) (c) and shall
24 provide a copy of those findings of fact and conclusions of law to the juvenile; the
25 juvenile's parent, guardian, and legal custodian; the juvenile's foster parent or,

treatment foster parent, or preadoptive parent, the operator of the facility in which the juvenile is living, or the relative with whom the juvenile is living; the agency that prepared the permanency plan; and the person representing the interests of the public. The court shall make the findings specified in sub. (5) (c) 7. on a case–by–case basis based on circumstances specific to the juvenile and shall document or reference the specific information on which those findings are based in the findings of fact and conclusions of law prepared under this paragraph. Findings of fact and conclusions of law that merely reference sub. (5) (c) 7. without documenting or referencing that specific information in the findings of fact and conclusions of law or amended findings of fact and conclusions of law that retroactively correct earlier findings of fact and conclusions of law that do not comply with this paragraph are not sufficient to comply with this paragraph.

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SECTION 114. 938.9995 of the statutes is created to read:

938.9995 Expediting interstate placements of juveniles. The courts of this state shall do all of the following to expedite the interstate placement of juveniles:

(1) Subject to ss. 48.396 (2) and 938.396 (2), cooperate with the courts of other states in the sharing of information.

(2) To the greatest extent possible, obtain information and testimony from agencies and parties located in other states without requiring interstate travel by those agencies and parties.

(3) Permit parents, juveniles, other necessary parties, attorneys, and guardians ad litem in proceedings involving the interstate placement of a juvenile to participate in those proceedings without requiring interstate travel by those persons.

(5) PERMANENCY PLANS.

SECTION 115. Initial applicability.

(1) CONSULTATION WITH CHILD AND OUT-OF-STATE PLACEMENTS.

(a) *Permanency plan contents.* The treatment of sections 48.38 (2) (intro.) and (4) (f) (intro.), (fm), (h) (intro.) and (i) and 938.38 (2) (intro.) and (4) (f) (intro.), (fm), (h) (intro.) and (i) of the statutes first applies to permanency plans filed on the effective date of this paragraph.

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(b) *Permanency plan hearings and reviews.* The treatment of sections 48.38 (4m) (a) and (c) and (5) (bm) 2. and (c) 6. and 938.38 (4m) (a) and (c) and (5) (bm) 2. and (c) 6. of the statutes and the creation of sections 48.38 (5m) (c) 2., 48.43 (5) (b) 2., and 938.38 (5m) (c) 2. of the statutes first apply to hearings and reviews for which a permanency plan is filed or provided on the effective date of this paragraph.

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6. (intro.), 7., and 8.

6. (intro.), 7., and 8.

(2) RIGHT TO BE HEARD. The treatment of sections 48.02 (14j), 48.27 (3) (a) 1m., 1m. and 2. and (6), 48.289 (1) (ag), 48.357 (1) (am) 1., (2m) (b) and (2r), 48.363 (1) (b) and (1m), 48.365 (2) and (2m) (ag), 48.38 (4m) (b) and (d) (5) (b) and (bm) 1. and (5m) (b) and (c), 48.42 (2g) (am), 48.427 (1m), 48.63 (5) (d) 4., 767.41 (3) (c), 938.02 (14j), 938.27 (3) (a) 1m., 1m. and 2. and (6), 938.289 (1) (ag), 938.357 (1) (am) 1., (2m) (b) and (2r), 938.363 (1) (b) and (1m), 938.365 (2) and (2m) (ag), 938.38 (4m) (b) and (d), (5) (b) and (bm) 1. and (5m) (b) and (c) of the statutes, the renumbering and amendment of sections 48.38 (5m) (c), 48.43 (5) (b), and 938.38 (5m) (c) of the statutes, and the creation of section 48.43 (5) (b) 3. of the statutes first apply to hearings for which notice is provided on the effective date of this subsection.

amendment

48.38

and (5m) (b)

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48.38 (4m) (b) and (d) and (5) (bm) 1.

50 and 938.38 (4m) (b) and (d) and (5) (bm) 1.

sections

(3) TESTING INFANTS FOR CONTROLLED SUBSTANCES. The treatment of sections 46.238 and 146.0255 (2) and (3) (b) of the statutes first applies to tests for controlled substances or controlled substance analogs performed on the effective date of this subsection.

1 (4) CHANGE-IN-PLACEMENT ORDERS. The treatment of sections 48.357 (1) (am) 2.
2 and 2m. and 938.357 (1) (am) 2. and 2m. of the statutes first applies to changes in
3 placement proposed on the effective date of this subsection.

4 (5) ORDERS PLACING CHILD OUTSIDE HOME. The treatment of sections 48.21 (5) (b)
5 1. d., 48.32 (1) (b) 1. d., 48.355 (2) (b) 6g., 48.357 (2v) (a) 1m., 938.21 (5) (b) 1. d., 938.32
6 (1) (c) 1. d., 938.355 (2) (b) 6g., (6) (d) 1., and (6m) (a) 1g., and 938.357 (2v) (a) 1m. of
7 the statutes first applies to court orders granted on the effective date of this
8 subsection.

9 **(END)**

Insert 60-8

(Insert 47-10)

Section #. 938.365 (2) of the statutes is ~~amended~~ to read: as affected by 2009 Wisconsin Acts 28 and (this act) is repealed and recreated

938.365 **(2)** NOTICE. No order may be extended without a hearing. The court shall notify the juvenile ~~or the juvenile's guardian ad litem or counsel,~~ the juvenile's parent, guardian, legal custodian, all ~~of the~~ parties present at the original hearing, the juvenile's foster parent ~~treatment foster parent~~ or other physical custodian described in s. 48.62 (2), and the district attorney or corporation counsel in the county in which the dispositional order was entered of the time and place of the hearing.

NOTE: Sub. (2) is amended by 2009 Wis. Act 28 eff. the date stated in the notice provided by the secretary of children and families and published in the Wisconsin Administrative Register under s. 48.62 (9) to read:

(2) NOTICE. No order may be extended without a hearing. The court shall notify the juvenile or the juvenile's guardian ad litem or counsel, the juvenile's parent, guardian, legal custodian, all of the parties present at the original hearing, the juvenile's foster parent or other physical custodian described in s. 48.62 (2), and the district attorney or corporation counsel in the county in which the dispositional order was entered of the time and place of the hearing.

History: 1995 a. 77, 275, 352; 1997 a. 27, 35, 80, 237; 2001 a. 109; 2005 a. 344; 2007 a. 199; 2009 a. 28.